



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Sixteenth Meeting Day

Monday Afternoon

February 10, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Dan Richwine, First United Methodist Church, Mooresville, the guest of Representative Robert W. Behning.

The Pledge of Allegiance to the Flag was led by Representative William C. Friend.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman ☐	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter ☐
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 60: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 11, 2003, at 1:30 p.m.

CHENEY

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 203 and 461 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 28 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 14

Representatives Welch and Kuzman introduced House Concurrent Resolution 14:

A CONCURRENT RESOLUTION recognizing February 7 through 14 as National Marriage Week.

*Whereas, The breakdown of family life has a significant social, emotional, and economic cost to society;*

*Whereas, Couples should be encouraged to strengthen their long term commitments to one another and to their children; marriage makes these commitments public and provides the ideal environment for the upbringing of children;*

*Whereas, Marriage is the root of family life and the foundation of a healthy future for America;*

*Whereas, National Marriage Week celebrates the importance of marriage to our communities;*

*Whereas, Mounting scientific evidence confirms that when marriages fail children suffer;*

*Whereas, Marriage is also good for a person's health. Nonmarried individuals have a higher mortality rate: 50% higher for women and 250% higher for men;*

*Whereas, Marriage is of irreplaceable importance to the wellbeing of children and the future of our nation: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to recognize February 7 through 14 as National Marriage Week, to acknowledge the special place marriage holds in American society and in American hearts, and to encourage efforts by states and local government to strengthen marriages in new ways, such as marriage education programs, and community marriage policies.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the

resolution. Senate sponsor: Senator Paul.

### House Concurrent Resolution 15

Representatives V. Smith, C. Brown, Crawford, Dickinson, Harris, Mays, Porter, and Summers introduced House Concurrent Resolution 15:

A CONCURRENT RESOLUTION honoring Bishop Kenneth H. Dupree.

*Whereas, Bishop Kenneth H. Dupree received the call to preach the gospel when he was 12 years old;*

*Whereas, A native of Dayton, Ohio, Bishop Dupree attended the University of Cincinnati where he majored in psychology, earned his bachelor of arts from the American Baptist College of the American Baptist Theological Seminary, and continued his studies at the prestigious Scarritt Graduate School on the campus of Vanderbilt University School of Divinity;*

*Whereas, Bishop Dupree is also a gifted singer, previously touring the country with the Charles Fold Singers before going to Nashville, Tennessee, where he is currently recording a solo project;*

*Whereas, As pastor of The Victory Church, Bishop Dupree provides spiritual leadership to a congregation of more than 2,000 members and to a community that is in need of a caring and loving leader;*

*Whereas, Bishop Dupree also is the host of a weekly radio broadcast, "Living in Victory";*

*Whereas, Before arriving in Nashville, Bishop Dupree worked for five years at the National Baptist Hymnal, the nation's oldest minority owned religious publishing company, and served as the Dean of Christian Education of the National Sunday Church School and Baptist Training Union Congress;*

*Whereas, Bishop Dupree was also a contributing writer to the African American Devotional Bible produced by The Congress of National Black Churches and was one of the chief consultants and negotiators for Bishop T.D. Jake's best selling release, The Lady, Her Lover and Her Lord; and*

*Whereas, Dedication to the spiritual well-being of his parishioners and his community set Bishop Dupree apart as a shining example of the goodness in man: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to recognize the accomplishments of this holy man and to express its gratitude for his dedication to the betterment of mankind.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Bishop Kenneth H. Dupree and The Victory Church.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Howard, S. Smith, Rogers, and Breaux.

### House Concurrent Resolution 16

Representatives Cochran, Bottorff, Pierce, Robertson, Saunders, Murphy, and Whetstone introduced House Concurrent Resolution 16:

A CONCURRENT RESOLUTION recognizing David Longest and the New Albany High School Theatre for the creation and performance of "Lewis and Clark, the American Journey."

*Whereas, New Albany High School Theatre (NAHS) is one of the most recognized high school theater programs in the nation;*

*Whereas, In the past twelve years, under the direction of David Longest, NAHS has the distinction of being one of only three high schools in the country to have been invited to appear four times at the International Thespian Festival in Lincoln, Nebraska as an evening mainstage presenter;*

*Whereas, In 2000, New Albany High School was selected by the prestigious Rodgers and Hammerstein Musical Library in New York*

*to be the only high school allowed to present the new Hal Prince version of "Show Boat";*

*Whereas, NAHS Theatre is the only high school program in the nation to be featured in New York's Broadway Magazine, "InTheatre," as a unique combination of a public high school with an outstanding performing arts tradition;*

*Whereas, Recent graduates of New Albany High School have worked on Broadway and in at least a dozen popular New York and London musicals in the past six years;*

*Whereas, In 1987, David Longest received a Lilly Grant for Teacher Creativity in drama for playwrighting;*

*Whereas, David Longest is the only high school theatre director in Indiana to win a second Lilly Teacher Creativity Fellowship, when, in 2002, he was awarded a grant to travel the Lewis and Clark National Historic Trail;*

*Whereas, His journey across the American West culminated in his co-writing, along with composer Jim Stanton, the complete musical "Lewis and Clark, the American Journey."*

*Whereas, This production will preview in New Albany from February 12<sup>th</sup> through the 16<sup>th</sup> and has been selected as a mainstage event during the second Lewis and Clark Bicentennial National Signature event that will be held in October, 2003 at the Falls of the Ohio; and*

*Whereas, "Lewis and Clark, the American Journey" is another example of the many events and activities that are commemorating the important role Indiana played in the Lewis and Clark Expedition: Therefore:*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the hard work and creativity of David Longest and his students and the New Albany High School Theatre's long record of accomplishments.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to David Longest and the Principal of New Albany High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Sipes and Lewis.

### House Concurrent Resolution 17

Representative V. Smith introduced House Concurrent Resolution 17:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the extent of wage disparities in the public and private sectors, between men and women, and between minorities and nonminorities.

*Whereas, People's wages should be based on the value of their work; and*

*Whereas, Women, on average, earn less and must work longer for the same pay: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the legislative council is urged to establish a committee to study the extent of wage disparities in the public and private sectors, between men and women, and between minorities and nonminorities.

SECTION 2. That the committee, if established, shall also study:

- (1) the factors that cause or tend to cause such disparities, including segregation between women and men and between minorities and nonminorities across and within occupations, payment of lower wages for female dominated occupations, child rearing responsibilities, and education and training;
- (2) the consequences of such disparities on the economy and families affected; and
- (3) actions, including proposed legislation, that are likely to

lead to the elimination and prevention of such disparities.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers, Dillon, and Breau.

### House Concurrent Resolution 18

Representative Hinkle introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION to honor MiSang Han of the Metropolitan School District of Wayne Township.

*Whereas, Dr. Suellen Reed, Indiana Superintendent of Public Instruction, awarded two (2) teachers with National Educator Awards from the Milken Family Foundation;*

*Whereas, MiSang Han of the Metropolitan School District of Wayne Township was one of the award winners;*

*Whereas, MiSang Han completed her B.S. degree in secondary English education in 1972 at the Sang Myung Women's Teachers' College in Seoul, Korea;*

*Whereas, MiSang Han became a Peace Corps interpreter in 1971 at the Korea Institute for Special Children;*

*Whereas, She has been employed as a graduate assistant and tutor at Western Illinois University, a teaching aide at St. Stephen Pre-School and Garden City Elementary, and a teacher/principal at the I.U.P.U.I. Korean School of Indianapolis;*

*Whereas, Currently at McClelland school, she has coached the Odyssey of the Mind and Future Problem-Solving teams as well as the Geography Bee Program, coordinated the AIMS Science Conference, coordinated the fifth grade field trip to Chicago, and is a member of the School Improvement Team;*

*Whereas, Previous recognition of her work includes the 2001 Library of Congress American Memory Fellowship, the 2000 National Aeronautics and Space Administration Education Fellowship, the 2001 Golden Apple Award from Indianapolis Power and Light, the 1999 M.G. Raby Human Relations Distinguished Service Award, the Target Teacher Scholarship Award, and the McClelland school's Teacher of the Year in 1998;*

*Whereas, Mrs. Han and her husband, Ronald J. Stalze, are the parents of two daughters, Renai and Lauren; and*

*Whereas, MiSang Han scored three perfect 10s in the National Educator Award rating her instructional practices, her potential for professional and policy leadership, and her inspiring presence to motivate and impact students, colleagues, and the community. Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That we recognize and honor MiSang Han of the Metropolitan School District of Wayne Township for being awarded the \$25,000 Milken National Education Award.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to MiSang Han, her family and the McClelland School representative.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator M. Young.

### House Concurrent Resolution 19

Representatives Wolkins and Crooks introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION honoring the Life of C. Michael Pitts.

*Whereas, Mike Pitts departed this earthly life on November 27, 2002;*

*Whereas, Mike was known as a man of strong integrity, charming wit, and genuine compassion for others;*

*Whereas, The Indiana Petroleum Marketers & Convenience Store Association (IPCA) and the Indiana Propane Gas Association (IPGA) will greatly miss the outstanding care and guidance they experienced under the leadership of their executive director, Mike Pitts;*

*Whereas, Mike worked more than thirty years in legislative affairs and association management, including executive director of the IPCA and IPGA for eleven years, executive director of the Mechanical Contractors Association of Indiana, and the Indiana Association of Cities and Towns;*

*Whereas, Mike's unparalleled skill as a negotiator and his clear vision for ways to improve the work of the associations he served are part of his legacy of success and accomplishment;*

*Whereas, Of Mike's many accomplishments, his most notable include the country's most progressive leaking underground storage tank programs, environmental initiatives, and creation of the Midwest Petroleum and Convenience Trade show (M-PACT) that attracts industry participants from Illinois, Kentucky, Ohio and Indiana;*

*Whereas, Mike was a member of the Indiana Society of Association Executives;*

*Whereas, Mike served his country valiantly in the United States Army;*

*Whereas, Mike was a proud graduate of Ball State University and Indiana University, where he earned a Masters of Public Administration degree;*

*Whereas, Mike is survived by his sweetheart and wife of twenty years, Gayla, his beloved children Andrew and Laura, and his dear siblings William Pitts, Jean Matthews and Pat Ball;*

*Whereas, Those who were touched by the life of Mike Pitts are grateful that he shared his joy, creativity, and kindness with them. Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. Mike Pitts is honored for his outstanding contributions to our country and state.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Mrs. Pitts, Andrew and Laura Pitts, the IPCA and the IPGA.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Harrison, Lanane, Gard, and Simpson.

The House stood for a moment of silence in memory of Michael Pitts.

### House Concurrent Resolution 20

Representative Ruppel introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION honoring the Southwood High School football team.

*Whereas, The Southwood football team won the State Championship in 2002; and*

*Whereas, The Southwood High School football team's achievements are worthy of recognition by the Indiana General Assembly: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. The Indiana General Assembly honors the Southwood High School football team for their achievements and honors the team upon their victory.

SECTION 2. The Clerk of the House of Representatives is directed to transmit a copy of this resolution to Southwood High School football team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Dillon.

### House Resolution 9

Representative V. Smith introduced House Resolution 9:

A HOUSE RESOLUTION welcoming Dr. David Satcher, former U.S. Surgeon General, to Indiana University Northwest at Gary, and to the state of Indiana.

*Whereas, Former U.S. Surgeon General Dr. David Satcher will be visiting Indiana University Northwest in Gary on February 6, 2003, to promote individual and community health in honor of Black History Month;*

*Whereas, Dr. David Satcher was the 16th Surgeon General of the United States and served a four year term that began on February 13, 1998;*

*Whereas, While serving as Surgeon General, Dr. Satcher also served as Assistant Secretary for Health from February 1998 through January 2001, only the second person in history to do so;*

*Whereas, Dr. Satcher also held the posts of Director of the Centers for Disease Control and Prevention and Administrator of the Agency for Toxic Substances and Disease Registry from 1993 to 1998;*

*Whereas, Before being named U.S. Surgeon General, Dr. Satcher was President of Meharry Medical College in Nashville, Tennessee, from 1982 to 1993;*

*Whereas, Dr. Satcher would like his legacy to be that he was a Surgeon General who listened to the American people and responded with effective programs;*

*Whereas, Dr. Satcher's mission as Surgeon General was to make public health work for everyone in the United States;*

*Whereas, Dr. Satcher was born in Anniston, Alabama, on March 2, 1941, and, together with his wife, Nola, has four grown children;*

*Whereas, Dr. Satcher has been the recipient of 18 honorary degrees and numerous distinguished honors, including awards from the American Medical Association, the American College of Physicians, the American Academy of Family Physicians, Ebony magazine, and the Jimmy and Rosalynn Carter Award for Humanitarian Contributions to the Health of Humankind from the National Foundation for Infectious Diseases; and*

*Whereas, Dr. David Satcher is an outstanding physician who has spent his life in the service of mankind: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to express its gratitude for the many contributions that Dr. Satcher has made to improve the lives of the citizens of the United States and for his dedication to making the health system in the United States the best that it can be.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. David Satcher.

The resolution was read a first time and adopted by voice vote.

### House Resolution 10

Representatives Mangus, Ruppel, Friend, and Pond introduced House Resolution 10:

A HOUSE RESOLUTION honoring the life of Gregory E. Mishler.

*Whereas, Gregory E. Mishler, well-known in Bremen, Indiana, passed from this earthly life at the age of 56 on January 21, 2003;*

*Whereas, Mr. Mishler's family owns and operates the Mishler Funeral Home, now run by his son, Ryan;*

*Whereas, Mr. Mishler enjoyed a distinguished life, serving his community in a variety of ways, including serving as a United Way volunteer, volunteer firefighter, community fundraiser, EMT, and ambulance driver;*

*Whereas, Mr. Mishler served his state as a state representative from 1982 to 1988;*

*Whereas, Mr. Mishler worked diligently with then Governor Doc Bowen to establish certification of ambulance drivers, and Mr. Mishler was also one of the first EMT's to be certified in this state;*

*Whereas, Mr. Mishler was active in Republican politics, and was consider to have exceptional political savvy and a strong love for his country and community;*

*Whereas, Mr. Mishler shared the last year of his life with his beloved wife Deanna, whom he married in 2002;*

*Whereas, Mr. Mishler's devotion to family, business, community and state is an inspiration to those who knew him: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives honors the life of Gregory E. Mishler and is grateful for his many contributions to our state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mrs. Mishler, and Ryan Mishler.

The resolution was read a first time and adopted by voice vote.

The House stood for a moment of silence in memory of former Representative Mishler.

### Senate Concurrent Resolution 28

The Speaker handed down Senate Concurrent Resolution 28, sponsored by Representative Buell:

A CONCURRENT RESOLUTION memorializing the crew of the space shuttle Columbia and recognizing the values of the space program.

*Whereas, On Saturday, February 1, 2003, the United States endured another national tragedy;*

*Whereas, The seven member crew of the space shuttle Columbia was lost as the craft disintegrated over Texas during the last 16 minutes of a 16-day mission in space;*

*Whereas, The crew—Commander Rick Husband, Shuttle Pilot William McCool, Mission Specialist 1 David Brown, Mission Specialist 2 Kalpana Chawla, Mission Specialist 3 Michael Anderson, Mission Specialist 4 Laurel Clark, and Payload Specialist Ilan Ramon—are all heroes;*

*Whereas, Rick Husband, Kalpana Chawla, and Michael Anderson were veterans of space flight, and William McCool, David Brown, Laurel Clark, and Ilan Ramon were making their first voyage into space;*

*Whereas, Ilan Ramon was a colonel in the Israeli Air Force and a national hero who was chosen by the Israeli Air Force to join the crew of Columbia in 1997 and was approved by NASA in 1998;*

*Whereas, A thought that may comfort the families of these space pioneers and the grieving citizens of the world during this time of great sorrow is that these brave men and women died doing what they had dedicated their lives to accomplish - space exploration;*

*Whereas, Their sheer joy and love of the space program was reflected in each of their faces as the world watched as they boarded the Columbia to begin their monumental journey into space on January 16, 2003;*

*Whereas, Their journey was one of science, dedicated to finding answers to questions that have plagued mankind and possible cures to the diseases and pestilence that often result in death and suffering;*

*Whereas, In the face of this tragedy the world should not forget all the space program has accomplished;*

*Whereas, Because of space exploration, the development of weather and communication satellites have enabled us to better predict weather patterns and prevent unnecessary loss of life due to hurricanes and other violent weather systems, the technology developed for space photography has enabled the advancement of CAT scans to better diagnose illness, and the technology that is used in the smoke detector came about because of knowledge gained from the fire on one of the Apollo spacecraft;*

*Whereas, Such common items as WD40, Ziploc bags, and radar have all been developed or improved because of the knowledge that was gained through space exploration;*

*Whereas, In addition to the improvements in our daily lives, NASA and the space program has bolstered the economy of Indiana through contracts that had an economic impact of \$50 million dollars last year, making Indiana the second largest space industry state in the Midwest and ranking in the top half nationwide;*

*Whereas, Although our nation and the world have endured a terrible loss through this tragedy, we should not lose sight of the many contributions and improvements to both science and industry that the space program has brought about; and*

*Whereas, Crew members of the space shuttle Columbia were well aware of the dangers that are associated with space exploration, and they faced them willingly. They shared a noble purpose in life - service to all humanity: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly wishes to express its sorrow at the loss of these seven brave men and women who had dedicated their lives to the betterment of mankind and to express its sympathy and good wishes to the family of these heroes. The nation shares the grief and sorrow of these brave families and wishes to convey to these family members that the crew of the space shuttle Columbia will always have the respect and love of a grateful nation.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the families of Commander Rick Husband, Shuttle Pilot William McCool, Mission Specialist 1 David Brown, Mission Specialist 2 Kalpana Chawla, Mission Specialist 3 Michael Anderson, Mission Specialist 4 Laurel Clark, and Payload Specialist Ilan Ramon, and to NASA.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1018, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-9-5 IS REPEALED [EFFECTIVE JULY 1, 2003].

SECTION 2. [EFFECTIVE JULY 1, 2003] (a) **This SECTION applies to a county that imposed an innkeeper's tax under the authority of any statute other than IC 6-9-18 before January 1, 2003.**

(b) **If a statute authorizing a county's innkeeper's tax is repealed by this act, the county shall continue to impose an innkeeper's tax under the authority of IC 6-9-18.**

(c) **Beginning July 1, 2003, IC 6-9-18 applies to the imposition, collection, and remittance of innkeeper's taxes in a county described in subsection (b).**

(d) **Beginning July 1, 2003, the maximum permitted rate of the innkeeper's tax in a county described in subsection (b) is the rate set forth in IC 6-9-18-3. An ordinance increasing the rate of the**

**county's innkeeper's tax must specify the date on which the new tax rate will take effect, as required under IC 6-9-29-1.5.**

(e) **Beginning July 1, 2003, a tourism commission established in a county described in subsection (b) shall operate under the authority of IC 6-9-18. A member of the commission serving on July 1, 2003, is authorized to serve the remainder of the member's term. Upon the completion of the member's term, the position must be filled as provided in IC 6-9-18.**

(f) **Beginning July 1, 2003, a tourism promotion fund or other fund established for the deposit of county innkeeper's taxes in a county described in subsection (b):**

**(1) must be administered under IC 6-9-18; and**

**(2) may be used only for the purposes authorized in IC 6-9-18.**

(g) **This SECTION expires January 1, 2005.**

(Reference is to HB 1018 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1059, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, delete "The ordinance".

Page 2, delete lines 18 through 20.

(Reference is to HB 1059 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

RESKE, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1088, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 26, reset in roman "added".

Page 2, line 26, delete "amended".

Page 2, line 26, strike "this".

Page 2, line 27, strike "act," and insert "**P.L.253-2001, SECTION 1,**".

Page 2, line 28, strike "this act," and insert "**P.L.253-2001, SECTION 1,**".

(Reference is to HB 1088 as printed January 31, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "of the same political party as the" and insert ".".

Page 2, delete line 1.

Page 2, line 6, delete "of the same political party as the" and insert ".".

Page 2, delete line 7.

Page 2, line 11, delete "of the same political party as the" and insert ".".

Page 2, delete line 12.

Page 2, line 16, delete "of the same political party as the" and insert ".".

Page 2, delete line 17.

Page 3, line 6, after "4." insert **"(a) Not later than December 1, 2003, the commission shall submit a preliminary report of the commission's activities to the governor, state superintendent, state board of education, education roundtable, and general assembly."**

**"(b)".**

Page 3, line 7, after "to the" insert **"governor, state superintendent, state board of education, education roundtable, and"**.

Page 3, line 19, after "The" insert **"department of education shall staff the"**.

Page 3, line 19, delete "may employ any staff necessary to" and insert **"and"**.

Page 3, line 20, after "chapter" delete "and" and insert **". The department of education shall"**.

Page 3, line 21, delete "that" and insert **"the staff's"**.

(Reference is to HB 1123 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

PORTER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 13 and 14, begin a new paragraph and insert:

**"SECTION 2. IC 16-41-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter recognizes the mobile home as a suitable and necessary dwelling unit in Indiana. The state department may do the following:**

**(1) Require reasonable standards of health, sanitation, and safety in using the dwelling units.**

**(2) Require installations of new mobile homes to be installed in accordance with the manufacturer's specifications.**

**(3) Require persons dwelling in mobile homes and mobile home park operators to comply with the standards.**

**(4) Authorize local boards to enforce the standards adopted.**

**SECTION 3. IC 16-41-27-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. As used in this chapter, "mobile home" means a vehicle, including the equipment sold as a part of a vehicle, that meets the following conditions:**

**(1) Is constructed for use as a conveyance upon public streets or highways by either self-propelled or not self-propelled means.**

**(2) Is designed, constructed, or reconstructed, or added to by means of an enclosed addition or room, to permit the occupancy as a dwelling for at least one (1) person.**

**(3) Is used and occupied as a dwelling.**

**(4) Does not have a foundation other than wheels, jacks, skirting, or other temporary supports.**

**The term includes a manufactured home as defined by the federal Manufactured Housing Improvement Act of 2000 (42 U.S.C. 5401 et seq.)."**

Page 3, after line 6, begin a new paragraph and insert:

**"SECTION 7. [EFFECTIVE JULY 1, 2003] (a) As used in this SECTION, "department" refers to the state department of health.**

**(b) The vital records fund is established for the purpose of operating and augmenting funding for personal services in the department's division of vital records. The fund shall be administered by the department. The expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest money in the fund in the same manner as other public money may be invested. Money in the fund at the end of the state fiscal year does not revert to the state general fund. However, if the amount of money in the fund at the end of a state fiscal year exceeds eighty thousand dollars (\$80,000), the**

**treasurer of state shall transfer the excess from the fund to the state general fund.**

**(c) The department shall deposit in the vital records fund established under subsection (b) four dollars (\$4) of each fee for the search of a vital record charged and collected under IC 16-37-1-11, as amended by this act.**

**(d) The mobile home inspection fund is established for the purpose of operating and augmenting funding for personal services concerning the inspection of mobile homes under IC 16-41-27. The fund shall be administered by the department. The expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest money in the fund in the same manner as other public money may be invested. Money in the fund at the end of the state fiscal year does not revert to the state general fund. However, if the amount of money in the fund at the end of a state fiscal year exceeds eighty thousand dollars (\$80,000), the treasurer of state shall transfer the excess from the fund to the state general fund.**

**(e) The department shall deposit in the mobile home inspection fund established under subsection (d) fifty dollars (\$50) of each inspection fee charged and collected under IC 16-41-27-24, as amended by this act.**

**(f) The radiation machine inspection fund is established for the purpose of operating and augmenting funding for personal services concerning the inspection of radiation machines and processing of licenses for radiologic technologists under IC 16-41-35-29. The fund shall be administered by the department. The expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest money in the fund in the same manner as other public money may be invested. Money in the fund at the end of the state fiscal year does not revert to the state general fund. However, if the amount of money in the fund at the end of a state fiscal year exceeds eighty thousand dollars (\$80,000), the treasurer of state shall transfer the excess from the fund to the state general fund.**

**(g) The department shall deposit in the radiation machine inspection fund established under subsection (f) thirty dollars (\$30) of each radiologic technologist test fee charged and collected under IC 16-41-35-29, as amended by this act.**

**(h) If any money remains in a fund established by this SECTION upon the expiration of the fund, the treasurer of state shall transfer the money to the state general fund.**

**(i) This SECTION expires July 1, 2008."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1130 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, after line 6, begin a new paragraph and insert:

**"SECTION 2. [EFFECTIVE JULY 1, 2003] (a) Notwithstanding any other appropriation, the state department of health is authorized to augment funding for personal services in amounts not to exceed the additional revenue derived from the increase in the health facility license fee under IC 16-28-2-7, as amended by this act, or from increases in the fees on health care providers (as defined by IC 16-18-2-163) that are enacted after January 1, 2003, or adopted by the executive board of the state department of health under IC 16-19-3.**

**(b) This SECTION expires July 1, 2008."**

(Reference is to HB 1140 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

C. BROWN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-91, AS AMENDED BY P.L.14-2000, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 91. "Fund" means the following:

- (1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.
- (2) For purposes of IC 12-13-8, the meaning set forth in IC 12-13-8-1.
- (3) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.
- (4) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.
- (5) For purposes of IC 12-17-6, the meaning set forth in IC 12-17-6-1-3.
- (6) For purposes of IC 12-18-4, the meaning set forth in IC 12-18-4-1.
- (7) For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.
- (8) For purposes of IC 12-19-7, the meaning set forth in IC 12-19-7-2.
- (9) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.
- (10) For purposes of IC 12-23-18, the meaning set forth in IC 12-23-18-4.
- (11) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.
- (12) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.
- (13) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 2. IC 12-23-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### Chapter 18. Methadone Diversion Control and Oversight Program

Sec. 1. (a) Subject to federal law and sound medical practice, the division shall adopt rules under IC 4-22-2 to establish and administer a methadone diversion control and oversight program to identify individuals who divert controlled substances from legitimate treatment use and to terminate the methadone treatment of those individuals.

(b) Rules adopted under subsection (a) must include provisions relating to the following matters concerning methadone providers and individuals who receive treatment:

- (1) Regular clinic attendance by the patient.
- (2) Specific counseling requirements for the methadone provider.
- (3) Serious behavior problems of the patient.
- (4) Stable home environment of the patient.
- (5) Safe storage capacity of treatment medications within the patient's home.
- (6) Medically recognized testing protocols to determine legitimate treatment use.
- (7) The methadone provider's medical director and administrative staff responsibilities for preparing and implementing a diversion control plan.

Sec. 2. (a) Not later than February 28 of each year, each methadone provider must submit to the division a diversion control plan required under section 1(b)(7) of this chapter.

(b) The division shall review and approve plans submitted under subsection (a).

Sec. 3. (a) By May 15 of each year, each methadone provider shall submit to the division a fee of twenty dollars (\$20) for each nonresident patient treated by the methadone provider during the preceding calendar year.

(b) The fee collected under subsection (a) shall be deposited in the methadone diversion control and oversight program fund established under section 4 of this chapter.

Sec. 4. (a) As used in this section, "fund" means the methadone diversion control and oversight program fund established under subsection (b).

(b) The methadone diversion control and oversight program fund is established to administer and carry out the purposes of this chapter. The fund shall be administered by the division.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest money in the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of the state fiscal year does not revert to the state general fund.

Sec. 5. The division shall conduct an annual onsite visit of each methadone provider to assess compliance with this chapter."

Page 3, after line 26, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 12-23-18-2, as added by this act, a methadone provider is not required to submit a diversion control plan until February 28, 2004.

(b) This SECTION expires July 1, 2004.

SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1141 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1151, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 6, after "manner." insert "The funeral home has no liability for:

- (i) disposing of cremated remains in any manner permitted by law if the remains have been held; or
- (ii) holding the cremated remains;

in excess of the sixty (60) days permitted under this clause if the authorizing agent fails to claim the remains during the sixty (60) day period. The funeral home must first send written notice by certified mail return receipt requested to the authorizing agent explaining the intentions of the funeral home regarding the disposal of or holding of the cremated remains in order for the funeral home to be immune from liability under this clause."

(Reference is to HB 1151 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WEINZAPFEL, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1161, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 20, after "items." insert "Property may be sold together only if the tract or item is owned by the same person."

Page 5, line 21, delete "street" and insert "common".

Page 5, between lines 24 and 25, begin a new line block indented and insert:

**"(3) specify the minimum bid for each parcel;"**.

Page 5, line 25, delete "(3)" and insert "(4)".

Page 5, line 42, delete "(4)" and insert "(5)".

Page 8, line 22, delete "IC 6-1.1-24-6.1(b)(3)." and insert **"IC 6-1.1-24-6.1(b)(4)."**Page 11, line 11, delete "4(a)" and insert **"4(a)(1)".**

Page 11, line 15, after "sale" insert ":",

Page 11, line 16, reset in roman "(A)".

Page 11, line 16, after "assignee" insert ":",

Page 11, line 16, reset in roman "or".

Page 11, reset in roman lines 17 through 19.

Page 11, line 20, delete ":",

Page 11, line 21, delete "(A)".

Page 11, line 21, delete ":",

Page 11, run in lines 20 through 21.

Page 11, line 22, delete "(B)".

Page 11, run in lines 21 through 22.

Page 11, line 26, delete "IC 6-1.1-24" and insert **"IC 6-1.1-24-6.1"**.Page 11, line 38, delete "IC 6-1.1-24" and insert **"IC 6-1.1-24-6.1"**.Page 14, line 42, delete "IC 6-1.1-24" and insert **"IC 6-1.1-24-6.1"**.

Page 19, after line 7, begin a new paragraph and insert:

**"SECTION 9. IC 36-1-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) As used in this section, "abutting landowner" means an owner of property that:****(1) touches, borders on, or is contiguous to the property that is the subject of sale; and****(2) does not constitute a:****(A) public easement; or****(B) public right-of-way.****(b) As used in this section, "offering price" means the appraised value of real property plus all costs associated with the sale, including:****(1) appraisal fees;****(2) title insurance;****(3) recording fees; and****(4) advertising costs.****(c) If the assessed value of a tract of real property to be sold is less than ~~five~~ fifteen thousand dollars ~~(\$5,000); (\$15,000)~~, based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the disposing agent may proceed under this section.****(d) The disposing agent may determine that:****(1) the highest and best use of the tract is sale to an abutting landowner;****(2) the cost to the public of maintaining the tract equals or exceeds the estimated fair market value of the tract; or****(3) it is economically unjustifiable to sell the tract under section 4 of this chapter.****(e) Within ten (10) days after the disposing agent makes a determination under subsection (d), the disposing agent shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. The notice must also include the offering price and a statement that:****(1) the property may not be sold to a person who is ineligible under section 16 of this chapter; and****(2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:****(A) beneficiary of the trust; and****(B) settlor empowered to revoke or modify the trust.****At the time of publication of notice under this subsection, the disposing agent shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.****(f) The disposing agent shall also have each tract appraised. The appraiser must be professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than ~~two~~ six thousand dollars****~~(\$2,000); (\$6,000)~~, based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the disposing agent is not required to have the tract appraised.****(g) If, within ten (10) days after the date of publication of the notice under subsection (e), the disposing agent receives an eligible offer to purchase a tract listed in the notice at or in excess of the offering price, the disposing agent shall conduct the negotiation and sale of the tract under section 4(c) through 4(g) of this chapter.****(h) Notwithstanding subsection (g), if within ten (10) days after the date of publication of the notice under subsection (e) the disposing agent does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the disposing agent shall conduct the negotiation and sale of the tract as follows:****(1) If only one (1) abutting landowner makes an eligible offer to purchase the tract, then subject to section 16 of this chapter and without further appraisal or notice, the disposing agent shall offer to negotiate for the sale of the tract with that abutting landowner.****(2) If more than one (1) eligible abutting landowner submits an offer to purchase the tract, the other eligible abutting landowners who submit offers shall be informed of the highest offer received and be given an opportunity to submit one (1) additional offer. The tract shall be sold to the eligible abutting landowner who submits the highest offer for the tract and who complies with any requirement under subsection (e)(2).****(3) If no eligible abutting landowner submits an offer to purchase the tract, the disposing agent may sell the tract to any person who submits the highest offer for the tract, except a person who is ineligible to purchase the tract under section 16 of this chapter."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1161 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1219, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

**Page 4, line 2, after "periods." insert "A rule adopted under subsection (a)(24) may be extended for three (3) extension periods."****Page 4, line 3, delete "(a)(14)," and insert "(a)(14) or (a)(24)."****Page 4, between lines 15 and 16, begin a new paragraph and insert:****"SECTION 2. IC 20-3-11-22, AS AMENDED BY P.L.2-2002, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) The board of school commissioners may not create any debt in excess of twenty-five thousand dollars (\$25,000) in the aggregate, except as otherwise provided in this chapter, and except further debts as are on or after March 9, 1931, authorized by the general school laws of Indiana, including within the latter exception, but not by way of limitation, ~~IC 21-4-20 and~~ IC 20-5-1 through IC 20-5-6.****(b) Notwithstanding the provisions of subsection (a), the board is liable upon its lawful contracts with persons rendering services and furnishing materials incident to the ordinary current operations of its schools if the contracts have been entered into as provided in this chapter and in accordance with law. The obligations of the board to persons rendering services or furnishing materials may not be considered to be limited or prohibited by any of the provisions of this chapter.****(c) If the compensation to be paid for the purchase of any real estate or interest in real estate required by the board for its purposes cannot be agreed upon or determined by the board and the persons owning or having an interest in the land desired for its purposes or sites, the board of school commissioners has the power of eminent**

domain and shall proceed to have the compensation determined and to acquire the title to the real estate or interest in the real estate by action in court under IC 32-24. The right and power of the board to own and acquire real estate and interests in real estate in any of the manners and for any of the purposes specified in this chapter or by the general school laws of this state may not be limited to real estate situated within the corporate boundaries of the civil city in which any school city is located. However, the right and power to acquire and own real estate extends to any parcel or trace of real estate the whole of which is situated:

- (1) within one-half (½) mile of the nearest point on the corporate boundary of the civil city; or
- (2) within, or within one-half (½) mile of the nearest point on the boundary of, any platted territory lying outside but contiguous to, or contiguous to another platted territory that is contiguous to, the corporate boundary of the civil city.
- (d) "Platted territory", as used in subsection (c), means any territory or land area of which a plat has been recorded in the manner provided by the laws of Indiana pertaining to the recording of plats of land.

(e) Before acquiring any real estate or interest in real estate outside the corporate limits of the civil city, the board must, by resolution made a matter of record in its corporate minutes, find and determine that, in the judgment of the board, the real estate or interest in real estate to be acquired will be needed for the future purposes of the board. This chapter does not limit the right of any board to accept, own, and hold real estate or interest in real estate, wherever situated, that is acquired by the board by gift or devise.

SECTION 3. IC 20-5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in IC 20-5-1 through IC 20-5-6, the following terms shall have the following meanings:

(a) "School corporation": ~~shall mean~~

**(1) for the purposes of a provision other than IC 20-5-4-8, means** any local public school corporation established under the laws of the state of Indiana, including but not limited to school cities, school towns, metropolitan school districts, consolidated school corporations, county school corporations, community school corporations, and united school corporations, excluding, however, school townships; **and**

**(2) for the purposes of IC 20-5-4-8, means a local public school corporation described in subdivision (1) or a school township.**

(b) "Governing body" shall mean the board of commissioners charged by law with the responsibility of administering the affairs of a school corporation, including but not limited to a board of school commissioners, metropolitan board of education, board of school trustees, or board of trustees, and "member" shall mean a member of such governing body.

(c) "School purposes" shall mean the general purposes and powers provided in IC 20-5-2-1.2 and IC 20-5-2-2. However, the delineation of a specific power in IC 20-5-2-2 shall not be construed as a limitation on the general powers and purposes set out in IC 20-5-2-1.2."

Page 6, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 6. IC 21-4-20 IS REPEALED [EFFECTIVE UPON PASSAGE]."

Page 6, line 39, delete "." and insert **"and refers to liability for property taxes after the application of all allowed deductions and credits."**

Page 7, line 7, after "(A)" insert **"ninety-five percent (95%) of"**.

Page 7, line 9, after "(B) the" insert **"actual"**.

Page 7, line 9, after "liability" insert **"payable in 2003"**.

Page 7, line 11, after "(I)" insert **"that"**.

Page 7, line 15, delete "amount determined under clause (A)" and insert **"physical characteristics as of the 2001 assessment date are substantially different from the physical characteristics as of the 2002 assessment date;"**.

Page 7, delete lines 16 through 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 1219 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1244, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, after "general fund" insert **"or other tax supported fund"**.

Page 2, delete lines 29 through 31.

(Reference is to HB 1244 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

MOSES, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1253, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new line block indented and insert:

**"(4) A person who has a juvenile adjudication or a conviction for arson.**

**(5) A person who has a juvenile adjudication or a conviction for cruelty to an animal.**

**(6) A person convicted of a dealing offense under IC 35-48-4 if the person has a prior, unrelated juvenile adjudication or conviction for a dealing offense under IC 35-48-4."**

Page 2, line 6, after "last" insert **"convicted of an offense (if the person was waived from juvenile court under IC 31-30-3) or"**.

Page 2, line 9, after "shall" insert **", if the person satisfies the requirements under subsection (c),"**.

Page 2, line 10, after "last" insert **"convicted of an offense (if the person was waived from juvenile court under IC 31-30-3) or"**.

Page 2, between lines 10 and 11, begin a new paragraph and insert:

**"(c) A person who seeks the sealing of criminal history information under this section must file a petition with the department, criminal justice agency, and juvenile justice agency:**

**(1) establishing that the person satisfies the requirements of subsection (b); and**

**(2) requesting the sealing of the criminal history information.**

**The criminal history information must be sealed if the department, criminal justice agency, and juvenile justice agency determine that the petitioner has satisfied the requirements under subsection (b)."**

Page 2, line 11, delete "(c)" and insert **"(d)"**.

Page 2, line 16, delete "(d)" and insert **"(e)"**.

Page 2, between lines 40 and 41, begin a new line block indented and insert:

**"(4) A person who has a juvenile adjudication or a conviction for arson.**

**(5) A person who has a juvenile adjudication or a conviction for cruelty to an animal.**

**(6) A person convicted of a dealing offense under IC 35-48-4 if the person has a prior, unrelated juvenile adjudication or conviction for a dealing offense under IC 35-48-4."**

Page 3, line 9, after "last" insert **"convicted of an offense (if the person was waived from juvenile court under IC 31-30-3) or"**.

Page 3, line 11, after "shall" insert **", if the person satisfies the requirements under subsection (c),"**.

Page 3, line 13, after "last" insert **"convicted of an offense (if the person was waived from juvenile court under IC 31-30-3) or"**.

Page 3, between lines 13 and 14, begin a new paragraph and insert:

**"(c) A person who seeks the sealing of criminal history information under this section must file a petition with the court:**

**(1) establishing that the person satisfies the requirements of subsection (b); and**

**(2) requesting the sealing of the criminal history information.**

**The criminal history information must be sealed if the court determines that the petitioner has satisfied the requirements under subsection (b)."**

Page 3, line 14, delete "(c)" and insert **"(d)"**.

Page 3, line 21, delete **"(d)"** and insert **"(e)"**.

Page 3, line 41, after "last" insert **"convicted of an offense (if the person was waived from juvenile court under IC 31-30-3) or"**.

Page 4, line 1, after "last" insert **"convicted of an offense (if the person was waived from juvenile court under IC 31-30-3) or"**.

(Reference is to HB 1253 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

WEINZAPFEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1274, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

LIGGETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1336, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 5, begin a new paragraph and insert:

**"SECTION 1. IC 6-6-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) In addition to paying the boat excise tax, a boat owner shall complete a form and pay a department of natural resources fee for each boat required to have boat excise decals. The fee is five dollars (\$5) for each boating year. However, the fee is waived for the boating year in which the registration fee prescribed by IC 9-29-15 is paid for that boat. The revenue from the fees collected under this chapter shall be transferred to the department of natural resources, as provided in section 29 of this chapter.**

**(b) In addition to the boat excise tax and the department of natural resources fee, a boat owner shall pay to the department of natural resources a five dollar (\$5) lake and river enhancement fee for each boat required to have boat excise decals in the amount set forth in the following table:**

Value of the Boat	Amount of the Fee
Less than \$2,000	\$ 5
At least \$2,000, but less than \$5,000	\$15
At least \$5,000, but less than \$10,000	\$20
At least \$10,000, but less than \$22,500	\$25
At least \$22,500, but less than \$50,000	\$30
At least \$50,000	\$40

**(c) The revenue from the lake and river enhancement fee imposed under subsection (b) shall be deposited in the following manner:**

**(1) Two-thirds (2/3) of the money shall be deposited in the lake and river enhancement fund established by section 12.5 of this chapter.**

**(1) One-third (1/3) of the money shall be deposited in the**

**conservation officers marine enforcement fund established by IC 14-9-8-21.5."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1336 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 4.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1353, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 21, delete "or an impact".

Page 2, line 22, delete "fee".

Page 3, line 17, delete "or an impact".

Page 3, line 18, delete "fee".

Page 4, line 1, delete "or an impact".

Page 4, line 2, delete "fee".

Page 4, delete lines 8 through 42.

Delete page 5.

(Reference is to HB 1353 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

MOSES, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1393, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 8-22-3-25, AS AMENDED BY P.L.1-1999, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) The board may provide a cumulative building fund in compliance with IC 6-1.1-41 to provide for the acquisition of real property, and the construction, enlarging, improving, remodeling, repairing, or equipping of buildings, structures, runways, or other facilities for use in connection with the airport and needed to carry out this chapter and to facilitate and support commercial intrastate air transportation.**

**(b) The board may levy in compliance with IC 6-1.1-41 a tax not to exceed:**

(1) thirty-three hundredths of one cent (\$0.0033) on each one hundred dollars (\$100) of assessed value of taxable property within the district, if an eligible entity other than a city established the district or if the district was established jointly with an eligible entity that is not a city;

(2) one and thirty-three hundredths cents (\$0.0133) on each one hundred dollars (\$100) of assessed value of taxable property within the district, if the authority was established under IC 19-6-3 (before its repeal on April 1, 1980); and

(3) for any other district not described in subdivision (1) or (2), the following:

Total Assessed Property Valuation	Rate Per \$100 Of Assessed Valuation
\$300 million or less	\$0.0167
More than \$300 million but not more than \$450 million	\$0.0133
More than \$450 million but not more than \$600 million	\$0.01
More than \$600 million but not more than \$900 million	\$0.0067
More than \$900 million	\$0.0033

As the tax is collected it may be invested in negotiable United States bonds or other securities that the federal government has the direct obligation to pay. Any of the funds collected that are not invested in government obligations shall be deposited in accordance with

IC 5-13-6 and shall be withdrawn in the same manner as money is regularly withdrawn from the general fund but without further or additional appropriation. The levy authorized by this section is in addition to the levies authorized by section 11 and section 23 of this chapter."

Renumber all SECTIONS consecutively.  
(Reference is to HB 1393 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

MOSES, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1397, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

MOSES, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1437, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 16, delete "electronically;" and insert **"through the computer gateway administered by the intelenet commission under IC 5-21-2 and known as accessIndiana;"**.

Page 3, between lines 1 and 2, begin a new paragraph and insert: **"SECTION 4. IC 25-23-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) There is established the Indiana state board of nursing consisting of eight (8) members appointed by the governor, each to serve a term of four (4) years subject to death, resignation, or removal by the governor.**

**(b) Five (5) of the board members must be registered nurses who are committed to advancing and safeguarding the nursing profession as a whole and one (1) of whom must be an advanced practice nurse. Two (2) of the board's members must be licensed practical nurses. One (1) member of the board, to represent the general public, must be a resident of this state and not be associated with nursing in any way other than as a consumer.**

**(c) Each appointed board member may serve until the member's successor has been appointed and qualified. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. Members of the board may be appointed for more than one (1) term. However, no person who has served as a member of the board for more than six (6) consecutive years may be reappointed. Reappointments of persons who have served six (6) consecutive years as a member of the board may be made after three (3) years have elapsed."**

Page 3, between lines 17 and 18, begin a new paragraph and insert:

**"(c) Notwithstanding subsection (b), at least three (3) registered nurse members must be present for consideration of the following:**

**(1) Disciplinary matters pertaining to an allegation that a registered nurse has undertaken professional activities that the registered nurse is not qualified by training or experience to undertake.**

**(2) Matters related to programs for educating persons in the registered nursing profession.**

**(d) Notwithstanding subsection (b), at least one (1) licensed practical nurse member must be present for consideration of the following:**

**(1) Disciplinary matters pertaining to an allegation that a licensed practical nurse has undertaken professional activities that the licensed practical nurse is not qualified by training or experience to undertake.**

**(2) Matters related to programs for educating persons in**

**the licensed practical nursing profession."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1437 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1474, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 34, delete "to taxable years" and insert **"only to ad valorem property taxes first due and payable"**.

Page 3, line 35, delete "beginning".

(Reference is to HB 1474 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 27, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1479, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 34-6-2-88 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 88. "Nonparty", for purposes of IC 34-51-2, means a person who ~~caused or contributed to cause the alleged injury, death, or damage to property~~ is or may be liable to the claimant in part or in whole for damages claimed but who has not been joined in the action as a defendant. The term does not include an employer of the claimant.**

**SECTION 2. IC 34-51-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) This section applies to an action based on fault that is:**

**(1) brought against one (1) defendant or two (2) or more defendants who may be treated as a single party; and**  
**(2) tried to a jury.**

**(b) The court, unless all the parties agree otherwise, shall instruct the jury to determine its verdict in the following manner:**

**(1) The jury shall determine the percentage of fault of the claimant, of the defendant, and of any person who is a nonparty. The jury may not be informed of any immunity defense that is available to a nonparty. In assessing percentage of fault, the jury shall consider the fault of all persons who caused or contributed to cause the alleged injury, death, or damage to property, tangible or intangible, regardless of whether the person was or could have been named as a party. The percentage of fault of parties to the action may total less than one hundred percent (100%) if the jury finds that fault contributing to cause the claimant's loss has also come from a nonparty or nonparties.**

**(2) If the percentage of fault of the claimant is greater than fifty percent (50%) of the total fault involved in the incident which caused the claimant's death, injury, or property damage, the jury shall return a verdict for the defendant and no further deliberation of the jury is required.**

**(3) If the percentage of fault of the claimant is not greater than fifty percent (50%) of the total fault, the jury then shall determine the total amount of damages the claimant would be entitled to recover if contributory fault were disregarded.**

**(4) The jury next shall multiply the percentage of fault of the**

defendant by the amount of damages determined under subdivision (3) and shall then enter a verdict for the claimant in the amount of the product of that multiplication.

SECTION 3. IC 34-51-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) This section applies to an action based on fault that:

- (1) is brought against two (2) or more defendants; and
- (2) is tried to a jury.

(b) The court, unless all the parties agree otherwise, shall instruct the jury to determine its verdict in the following manner:

(1) The jury shall determine the percentage of fault of the claimant, of the defendants, and of any person who is a nonparty. ~~The jury may not be informed of any immunity defense that might be available to a nonparty. In assessing percentage of fault, the jury shall consider the fault of all persons who caused or contributed to cause the alleged injury, death, or damage to property, tangible or intangible, regardless of whether the person was or could have been named as a party.~~ The percentage of fault of parties to the action may total less than one hundred percent (100%) if the jury finds that fault contributing to cause the claimant's loss has also come from a nonparty or nonparties.

(2) If the percentage of fault of the claimant is greater than fifty percent (50%) of the total fault involved in the incident which caused the claimant's death, injury, or property damage, the jury shall return a verdict for the defendants and no further deliberation of the jury is required.

(3) If the percentage of fault of the claimant is not greater than fifty percent (50%) of the total fault, the jury shall then determine the total amount of damages the claimant would be entitled to recover if contributory fault were disregarded.

(4) The jury next shall multiply the percentage of fault of each defendant by the amount of damages determined under subdivision (3) and shall enter a verdict against each defendant (and such other defendants as are liable with the defendant by reason of their relationship to a defendant) in the amount of the product of the multiplication of each defendant's percentage of fault times the amount of damages as determined under subdivision (3)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1479 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

FRY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1511, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, after "established," insert **"the board of directors of the conservancy district may petition"**.

Page 1, line 10, delete "may" and insert **"to"**.

Page 2, line 8, after "(c)" delete "The" and insert **"Upon receipt of a petition from the board of directors of a conservancy district, the"**.

(Reference is to HB 1511 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred House Bill 1529, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 24, begin a new paragraph and insert:

"SECTION 1. IC 8-1-2-6.8, AS ADDED BY P.L.159-2002, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.8. (a) This section applies to a utility that begins construction of qualified ~~pollution control~~ property after March 31, 2002.

(b) As used in this section, "clean coal technology" means a technology (including precombustion treatment of coal):

- (1) that is used in a new or existing energy generating facility and directly or indirectly reduces airborne emissions of sulfur, mercury, or nitrogen oxides or other regulated air emissions associated with the combustion or use of coal; and
- (2) that either:

(A) was not in general commercial use at the same or greater scale in new or existing facilities in the United States at the time of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549); or

(B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after the date of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549).

(c) As used in this section, **"government mandated event" has the meaning set forth in section 6.9 of this chapter.**

(d) As used in this section, "qualified pollution control property" means: ~~an~~

- (1) any:

(A) air, wastewater, solid waste, or thermal pollution treatment, storage, or disposal system or pollution control device ~~on necessary to operate~~ a coal burning energy generating facility; or ~~any~~

(B) equipment that constitutes clean coal technology; that has been approved for use by the commission and that meets applicable state or federal requirements; ~~(d) or~~

(2) any air, wastewater, solid waste, or thermal pollution treatment, storage, or disposal system, pollution control device, or monitoring device that:

(A) is used for any plant, equipment, or facility used or to be used for the production, transmission, delivery, or furnishing of heat, light, or power;

(B) is approved for use by the commission; and

(C) meets applicable state or federal requirements; on which construction began after March 31, 2002.

(e) As used in this section, "qualified property" means any:

- (1) qualified pollution control property; or
- (2) qualified utility system property.

(f) As used in this section, "qualified utility system property" means any plant, equipment, or facility:

- (1) that is used or to be used on a utility system;
- (2) that is required to meet state or federal requirements of any government mandated event; and
- (3) on which construction began after April 1, 2003.

(g) As used in this section, "state or federal requirements" includes any requirement of:

- (1) any state or federal law, rule, regulation, or order; or
- (2) any adjudication, settlement, or consent decree in any federal or state court or administrative proceeding that interprets or applies a state or federal law, rule, regulation, or order;

that is in effect, applicable to a utility, and not stayed pending judicial appeal.

(h) As used in this section, "utility" refers to ~~any an~~ energy generating utility ~~allowed by law to earn a return on its investment.~~ (as defined in IC 8-1-2.5-2).

(i) As used in this section, "utility system" means a system used by a utility in whole or in part for:

- (1) the production;
- (2) the transmission;

(3) the distribution; or  
 (4) any combination of the production, transmission, or distribution;  
 of heat, light, or power to provide retail energy service (as defined in IC 8-1-2.5-3), regardless whether the service is provided under IC 8-1-2.5 or under another chapter of this article.

(e) (j) Upon the request of a utility that begins construction after March 31, 2002, of qualified pollution control property that is to be used and useful for the public convenience, the commission shall for ratemaking purposes add to the value of that utility's property the value of the qualified pollution control property under construction if construction was begun:

(1) in the case of qualified pollution control property, after March 31, 2002; or

(2) in the case of qualified utility system property, after April 1, 2003.

(f) (k) The commission shall adopt rules under IC 4-22-2 to implement this section."

Page 3, line 30, delete "January" and insert "April".

Page 3, line 31, after "event." insert "The term does not include a civil penalty imposed under section 109.1 of this chapter."

Page 3, line 38, delete "and".

Page 3, line 38, delete "effect" and insert "impact".

Page 3, line 42, after "section," insert "'material impact' means a cumulative increase in an energy utility's intrastate regulated total operating expenses or capital costs in an amount equal to or greater than four percent (4%) of the energy utility's authorized net operating income."

(f) As used in this section,"

Page 4, line 3, delete "(f)" and insert "(g)".

Page 4, line 11, delete "(g)" and insert "(h)".

Page 4, line 13, delete "without any" and insert "with".

Page 4, line 13, after "offset" insert "deemed appropriate by the commission".

Page 4, line 17, delete "(h)" and insert "(i)".

Page 4, line 23, delete "(i)" and insert "(j)".

Page 4, line 32, delete "(j)" and insert "(k)".

Page 4, line 39, delete "(k)" and insert "(l)".

Page 5, line 37, after "request" insert "made".

Page 5, line 37, after "utility" insert "after April 1, 2003,".

Page 6, line 7, after "begin" insert "or complete".

Page 6, line 18, delete "public utility cures" and insert "commission determines that the public utility has cured".

Page 7, line 5, delete "from the date of the final determination".

Page 7, line 6, delete "IC 24-4.6-1-102." and insert "IC 24-4.6-1-102 from the date on which the public utility begins collecting the rates implemented by the public utility under subsection (c)."

Page 7, between lines 10 and 11, begin a new paragraph and insert:

"(f) As used in this subsection, "public utility" includes a department of public utilities created under IC 8-1-11.1. If the commission fails to issue an order making a determination in an investigation initiated after April 1, 2003, into the reasonableness of a public utility's basic rates and charges for electric or gas service within nine (9) months after the initiation of the investigation, the commission may order the public utility to implement the rates determined by the commission based on the commission's review under IC 8-1-2-42.5 and the evidence in the record at that time. If so ordered, the public utility shall begin implementing the rates on the first day of the first billing month following the expiration of the nine (9) month period allowed the commission under this subsection. A public utility must file notice with the commission of the public utility's implementation of the ordered rate changes under this subsection. The commission may suspend the running of the nine (9) month period if the commission finds that:

- (1) a party other than the public utility did not file the party's case in chief in sufficient detail to allow the commission to begin or complete a review of the request;
- (2) a party other than the public utility materially altered

the party's case in chief after its filing;

(3) a discovery order compelling production by a party other than the public utility has not been satisfied within the time provided in the order; or

(4) the commission temporarily lacks jurisdiction over the proceeding due to the filing of an interlocutory judicial appeal of a commission ruling or order.

The suspension ends and the nine (9) month period continues to run as soon as the commission determines that the party other than the public utility has cured the cause for suspension.

(g) If the commission issues an order making a determination in an investigation into the reasonableness of a public utility's basic rates and charges for electric or gas service but does not make the determination within the period allowed under subsection (f), the public utility must continue, after the order is issued, to collect the rates implemented by the public utility under subsection (f) pending a petition for rehearing or an appeal of the commission's order under IC 8-1-3. If the commission does not make a timely determination under subsection (f), notwithstanding any other provision of this article, upon the final determination in the investigation, including the determination on any petition for rehearing or appeal under IC 8-1-3, the public utility shall refund or collect any difference between:

(1) the revenues generated by the rates implemented by the public utility under subsection (f); and

(2) the revenues that would have been generated by the lower of:

(A) the rates authorized in the final determination in the investigation; or

(B) the rates of the public utility that were in effect immediately before the rates implemented by the public utility under subsection (f);

for the period beginning on the effective date of the rates implemented by the public utility under subsection (f) and ending on the effective date of the rates authorized in the final determination in the investigation. The public utility shall issue any refunds and initiate any collections required under this subsection not later than sixty (60) days after the effective date of the rates authorized in the final determination on the proceedings. The refunds or collections must include interest accrued from the date on which the public utility begins collecting the rates implemented by the public utility under subsection (f) at the interest rate set forth in IC 24-4.6-1-102.

(h) If the commission makes a timely determination under subsection (f) in an investigation into the reasonableness of a public utility's basic rates and charges for electric or gas service, IC 8-1-3-6 governs the rates that the public utility may collect pending a petition for rehearing or an appeal of the commission's order."

Page 7, delete lines 19 through 21, begin a new line block indented and insert:

"(3) a transaction described in subdivision (1) or (2) that:

(A) is combined with one (1) or more transactions described in subdivision (1) or (2);

(B) is conducted within three (3) years of a transaction described in subdivision (1) or (2); and

(C) causes at least fifty percent (50%) of the shares of a utility company's stock that are:

(i) outstanding at the time of the transaction; and

(ii) entitled to vote generally in the election of the utility company's board of directors;

to be beneficially held, directly or indirectly, immediately after the transaction by persons other than the persons that beneficially held, directly or indirectly, the shares of the utility company's stock immediately before the transaction.

(b) This section does not apply to a transaction involving an exempt wholesale generator or a direct or an indirect affiliate of an exempt wholesale generator if either the generator or the affiliate:

(1) is under the jurisdiction of the federal energy regulatory

commission; and

(2) either:

(A) is not controlled by; or

(B) is not an affiliate of;

a utility that engages in retail sales in Indiana."

Page 7, line 22, delete "(b)" and insert "(c)".

Page 7, line 23, after "individual," insert "or".

Page 7, line 24, delete "their" and insert "including".

Page 7, line 25, after "receivers" insert "of a utility company,".

Page 7, line 28, delete "water, or power; or" and insert "power to more than forty thousand (40,000) retail gas or electric customers of the utility in Indiana;

(2) production, transmission, delivery, or furnishing of water; or".

Page 7, line 29, delete "(2)" and insert "(3)".

Page 7, line 32, delete "(c)" and insert "(d)".

Page 7, line 34, delete "(d)" and insert "(e)".

Page 7, line 37, delete "(e) Without" and insert "(f) Except as provided in subsection (g), without".

Page 7, line 40, delete "energy" and insert "utility".

Page 7, line 42, delete "energy" and insert "utility".

Page 8, line 3, delete "energy" and insert "utility".

Page 8, line 4, delete "(f)" and insert "(g) If the transaction to be consummated under subsection (f) is a transaction described in subsection (a)(3), approval by the commission is required only for the particular transaction that causes at least fifty percent (50%) of the then outstanding shares of the utility company's stock entitled to be voted generally in the election of the utility company's directors to be beneficially held, directly or indirectly, immediately after the transaction by persons other than the persons that beneficially held, directly or indirectly, the shares of the utility company's stock immediately before the particular transaction.

(h) A utility seeking approval of a transaction subject to this section shall file an application with the commission. After notice and hearing, the commission shall approve a transaction subject to this section if the commission:

(1) considers the effect of the transaction on the provision and cost of service to customers; and

(2) finds that the transaction will result in a new entity with the technical, financial, and managerial capacity to provide adequate and reliable retail utility service.

(I)".

Page 8, line 12, delete "(g)" and insert "(j)".

Page 8, line 12, delete "shall" and insert "shall, after notice and public hearing,".

Page 8, line 24, after "transaction." insert "Notwithstanding any other law, rule, or order, an order entered under this section is not subject to a petition for rehearing to the commission, and an appeal from the order must be filed in the Indiana supreme court not more than twenty (20) days after the date of the order."

Page 8, line 25, delete "(h)" and insert "(k)".

Page 8, line 32, delete "(I)" and insert "(I)".

Page 8, line 34, delete "January 1," and insert "April 1,".

Page 8, line 37, delete "January 1," and insert "April 1,".

Page 9, line 7, delete "or".

Page 9, line 8, delete "IC 8-1-13." and insert "IC 8-1-13; or

(4) a department of public utilities created under IC 8-1-11.1."

Page 9, line 26, delete "receivers," and insert "receivers of a public utility,".

Page 10, line 14, after "(f)" insert "The commission shall determine whether each day during which a public utility violates this chapter or fails after due notice to comply with:

(1) a standard of service established by commission rule; or

(2) a rate or service requirement of a final and unappealable order of the commission;

constitutes a separate offense for purposes of subsection (d) or subsection (e).

(g)".

Page 10, line 27, delete "its" and insert "the".

Page 10, line 34, delete "(g)" and insert "(h)".

Page 11, delete lines 1 through 4, begin a new paragraph and insert:

"(I) Notwithstanding section 112 of this chapter, a public utility may not be subject to civil penalties under this section that exceed in the aggregate the lesser of:

(1) three and five-tenths percent (3.5%) of the net operating income authorized in the public utility's last order from the commission approving basic rates and charges of the public utility; or

(2) six million dollars (\$6,000,000);

for any twelve (12) month period.

(j) Notwithstanding section 112 of this chapter, a public utility whose net operating income as authorized in the public utility's last order from the commission approving basic rates and charges of the public utility is equal to or less than zero dollars (\$0) may not be subject to civil penalties under this section that exceed five-tenths of one percent (0.5%) of the public utility's gross intrastate operating revenue from retail utility sales for any twelve (12) month period."

Page 11, line 5, delete "(I)" and insert "(k)".

Page 11, line 7, delete "(j)" and insert "(I)".

Page 11, between lines 10 and 11, begin a new paragraph and insert:

"(m) Notwithstanding any other provision in this article, a public utility may not recover in the utility's rates or charges a civil penalty assessed under this section."

Page 11, line 32, after "allowed" insert "or required".

Page 11, line 32, delete "IC 8-1-2-61(c)," and insert "IC 8-1-2-61(c) or IC 8-1-2-61(f)".

Page 13, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 11. IC 8-1-13-41.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 41.1. (a) The authority granted to the commission under this section is in addition to the commission's authority under section 41 of this chapter.

(b) This section does not apply when a corporation's violation or failure to comply under subsection (d) is caused by circumstances beyond the control of the corporation, including the following:

(1) Customer provided equipment.

(2) A negligent act or omission of a customer.

(3) An emergency situation.

(4) An unavoidable casualty.

(5) An act of God.

(c) A corporation subject to the commission's jurisdiction under this chapter and every officer of the corporation shall comply with all orders and rules of commission made under the authority of this chapter.

(d) Except as otherwise provided in this chapter, if the commission finds after notice and hearing that a corporation has violated this chapter or failed after notice to comply with:

(1) a standard of service established by commission rule; or

(2) a rate or service requirement of a final and unappealable order of the commission;

the commission may order the corporation to pay a civil penalty of not more than five thousand dollars (\$5,000) for each violation or failure to comply.

(e) Notwithstanding subsection (d), if the commission finds after notice and hearing that the corporation's violation or failure to comply demonstrates, by a continuing pattern of conduct, a disregard by the corporation of its obligation to remedy the violation or failure to comply found under subsection (d), the commission may impose an additional civil penalty of not more than ten thousand dollars (\$10,000) for each violation or failure to comply.

(f) The commission shall consider the following when determining the appropriateness of the imposition or amount of a civil penalty:

(1) The size of the corporation.

- (2) The gravity of the violation or failure to comply.
- (3) The good faith of the corporation in attempting to remedy the violation or failure to comply or achieve compliance after receiving notification of the violation or failure.
- (4) The effect of the civil penalty on the corporation's members and the capitalization of the corporation.
- (5) Whether the corporation's members had approved or requested the act or omission causing the violation or failure to comply.

In the order imposing the civil penalty, the commission shall make specific findings with respect to the factors described in subdivisions (1) through (5).

(g) A corporation may not be subject to both a civil penalty under this section and a penalty agreed to in a settlement agreement approved by the commission for the same violation or failure to comply. If the commission has approved a settlement agreement that includes penalties or remedies for noncompliance with specific provisions of the settlement agreement, the penalties under this section do not apply to those instances of noncompliance during the life of the settlement agreement.

(h) The total penalties imposed under this section on a corporation in a calendar year may not exceed five tenths of one percent (0.5%) of the corporation's gross intrastate operating revenue from retail sales of energy, after deducting the corporation's cost of fuel and purchased electricity.

(i) The commission shall determine whether each day during which a corporation violates this chapter or fails after due notice to comply with:

- (1) a standard of service established by commission rule; or
- (2) a rate or service requirement of a final and unappealable order of the commission;

constitutes a separate offense for purposes of subsection (d)."

Page 13, line 34, delete "The commission shall".

Page 13, delete lines 35 through 42 and insert "Any".

Renumber all SECTIONS consecutively.

(Reference is to HB 1529 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 2.

STEVENSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1596, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 26, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1622, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 37, begin a new paragraph and insert:

"SECTION 2. IC 5-11-10-1.6, AS AMENDED BY P.L.68-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1.6. (a) As used in this section, "governmental entity" refers to any of the following:

- (1) A municipality (as defined in IC 36-1-2-11).
- (2) A school corporation (as defined in IC 36-1-2-17), including a school extracurricular account.
- (3) A county.
- (4) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (5) A municipally owned utility that is subject to IC 8-1.5-3 or IC 8-1.5-4.

- (6) A board of an airport authority under IC 8-22-3.
- (7) A board of aviation commissioners under IC 8-22-2.
- (8) A conservancy district.
- (9) A public transportation corporation under IC 36-9-4.
- (10) A commuter transportation district under IC 8-5-15.
- (11) The state.
- (12) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).
- (13) A levee authority established under IC 14-27-6.
- (14) A soil and water conservation district established under IC 14-32.

(b) As used in this section, "claim" means a bill or an invoice submitted to a governmental entity for goods or services.

(c) The fiscal officer of a governmental entity may not draw a warrant or check for payment of a claim unless:

- (1) there is a fully itemized invoice or bill for the claim;
- (2) the invoice or bill is approved by the officer or person receiving the goods and services;
- (3) the invoice or bill is filed with the governmental entity's fiscal officer;
- (4) the fiscal officer audits and certifies before payment that the invoice or bill is true and correct; and
- (5) payment of the claim is allowed by the governmental entity's legislative body or the board or official having jurisdiction over allowance of payment of the claim.

This subsection does not prohibit a school corporation, with prior approval of the board having jurisdiction over allowance of payment of the claim, from making payment in advance of receipt of services as allowed by guidelines developed under IC 20-10.1-25-3.

(d) The fiscal officer of a governmental entity shall issue checks or warrants for claims by the governmental entity that meet all of the requirements of this section. The fiscal officer does not incur personal liability for disbursements:

- (1) processed in accordance with this section; and
- (2) for which funds are appropriated and available.

(e) The certification provided for in subsection (c)(4) must be on a form prescribed by the state board of accounts."

Renumber all SECTIONS consecutively.

(Reference is to HB 1622 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 2.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1623, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning agriculture.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 15-1.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The commission consists of ~~seven (7)~~ **eight (8)** members as follows:

- (1) Five (5) members appointed by the governor.
- (2) The presiding officer of the board.
- (3) The commissioner of agriculture or the commissioner's designee.
- (4) **The presiding officer of the board of trustees of the center for agricultural science and heritage or the presiding officer's designee who must be selected from the membership of the board of trustees of the center for agricultural science and heritage.**

(b) Not more than one (1) member appointed under subsection (a)(1) may reside in the same district. Each district is not required to have a member of the commission represent it.

(c) Not more than three (3) members appointed under subsection (a)(1) may be affiliated with the same political party.

(d) Two (2) members appointed under subsection (a)(1) must have a recognized interest in agriculture or agribusiness.

SECTION 2. IC 15-1.5-10.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The barn is governed by a board of trustees. The trustees include the following ~~twenty-five (25)~~ **seventeen (17)** individuals:

- (1) The governor or the governor's designee.
- (2) The commissioner of agriculture or the commissioner's designee.
- (3) The **state** superintendent of public instruction or the **state** superintendent's designee.
- (4) The dean of agriculture of Purdue University or the dean's designee.
- (5) The president of the Purdue University Agriculture Alumni Association or the president's designee.
- (6) The state veterinarian or the state veterinarian's designee.
- (7) The presiding officer of the state fair commission or the presiding officer's designee selected from the membership of the state fair commission.
- (8) The presiding officer of the state fair board or the presiding officer's designee selected from the membership of the state fair board.
- (9) One (1) member appointed by the largest Indiana organization representing agricultural interests in Indiana, as determined by the number of members of the organization. The member serves at the pleasure of the member's organization.
- (10) One (1) member appointed by the second largest Indiana organization representing agricultural interests in Indiana, as determined by the number of members of the organization. The member serves at the pleasure of the member's organization.
- (11) ~~Fifteen (15)~~ **Seven (7)** members appointed by the governor.

(b) Of the members appointed under subsection (a)(11), not more than ~~eight (8)~~ **four (4)** may be affiliated with the same political party.

(c) Each member appointed under subsection (a)(11) must have a recognized interest in the barn.

SECTION 3. [EFFECTIVE JULY 1, 2003] **(a) Notwithstanding IC 15-1.5-10.5-4(a)(11), as amended by this act, an individual serving on the board of trustees of the center for agricultural science and heritage on July 1, 2003, may serve the remainder of the individual's term. However, the number of positions on the board that the governor may fill under IC 15-1.5-10.5-4(a)(11) upon the expiration of the members' terms is set forth in the following table:**

YEAR	POSITIONS FILLED
2003	2
2004	2
2005	3

**(b) This SECTION expires January 1, 2006.**

(Reference is to HB 1623 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1628, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "major component".

Page 1, line 13, delete "fraud, attempted fraud," and insert **"auto theft, receiving stolen property, dealing in altered property, or receiving stolen auto parts,"**.

Page 1, line 14, delete "fraud" and insert **"theft, auto theft, receiving stolen property, dealing in altered property, or receiving stolen auto parts"**.

Page 2, line 1, after "operates" insert **"a chop shop"**.

Page 2, line 2, delete "major component".

Page 2, line 2, after "part" insert **"of a motor vehicle"**.

Page 2, line 2, after "to" insert **"a chop shop knowing the building, structure, or premises is a chop shop"**.

Page 2, line 3, delete "major component".

Page 2, line 3, after "part" insert **"of a motor vehicle"**.

Page 2, line 3, after "from" insert **"a chop shop knowing the vehicle or part is from a chop shop"**.

Page 2, line 4, delete "major component".

Page 2, line 4, after "part" insert **"of a motor vehicle"**.

Page 2, line 4, after "to" insert **"a chop shop knowing the buyer is a chop shop"**.

Page 2, line 5, delete "major component".

Page 2, line 5, after "part" insert **"of a motor vehicle"**.

Page 2, line 5, after "from" insert **"a chop shop knowing the seller is a chop shop"**.

Page 2, line 6, delete "a chop shop".

Page 5, between lines 35 and 36, begin a new line blocked left and insert:

**"Property is not subject to seizure under this section unless it can be proven by a preponderance of the evidence that the owner of the property knowingly permitted the property to be used in the operation of a chop shop."**

Page 6, after line 24, begin a new paragraph and insert:

**"SECTION 8. IC 35-45-6-1, AS AMENDED BY P.L. 123-2002, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this chapter:**

**"Documentary material"** means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

**"Enterprise"** means:

- (1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or
- (2) a union, an association, or a group, whether a legal entity or merely associated in fact.

**"Pattern of racketeering activity"** means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

**"Racketeering activity"** means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-2-1, or of a rule or order issued under IC 23-2-1.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Child exploitation (IC 35-42-4-4).
- (9) Robbery (IC 35-42-5-1).
- (10) Carjacking (IC 35-42-5-2).
- (11) Arson (IC 35-43-1-1).
- (12) Burglary (IC 35-43-2-1).
- (13) Theft (IC 35-43-4-2).
- (14) Receiving stolen property (IC 35-43-4-2).
- (15) Forgery (IC 35-43-5-2).
- (16) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).
- (17) Bribery (IC 35-44-1-1).
- (18) Official misconduct (IC 35-44-1-2).
- (19) Conflict of interest (IC 35-44-1-3).
- (20) Perjury (IC 35-44-2-1).
- (21) Obstruction of justice (IC 35-44-3-4).
- (22) Intimidation (IC 35-45-2-1).
- (23) Promoting prostitution (IC 35-45-4-4).
- (24) Promoting professional gambling (IC 35-45-5-4).
- (25) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1).

- (26) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (27) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (28) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (29) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
- (30) Money laundering (IC 35-45-15-5).
- (31) A violation of IC 35-47.5-5.
- (32) A violation of IC 9-18-8-10.5.**
- (33) A violation of IC 9-18-8-12.**
- (34) A violation of IC 9-18-8-13.**
- (35) A violation of IC 9-18-8-14.**
- (36) A violation of IC 9-18-8-15.**

SECTION 9. [EFFECTIVE JULY 1, 2003] **IC 35-45-6-1, as amended by this act, applies only to an offense committed under IC 35-45-6-2 after June 30, 2003."**

(Reference is to HB 1628 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

WEINZAPFEL, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1632, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 1.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1664, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete line 1.

Page 2, line 16, strike "The budget agency shall make fund allotments from the fund to".

Page 2, line 17, strike "the commission" and insert "**Money in the fund may be used**".

Page 2, line 34, strike "commission" and insert "**department**".

Page 5, delete lines 23 through 42.

Delete pages 6 through 7.

Re-number all SECTIONS consecutively.

(Reference is to HB 1664 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1681, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

LIGGETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1707, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "2." insert "**(a) As used in this section, "paraprofessional" does not include an individual who is licensed or regulated by the health professions bureau.**

**(b)".**

(Reference is to HB 1707 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

PORTER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1713, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1715, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1731, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-13-2-79.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 79.7. "Inflatable restraint system", for purposes of IC 9-19-10.5, has the meaning set forth in IC 9-19-10.5-1.**

SECTION 2. IC 9-13-2-105, AS AMENDED BY P.L.143-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of husbandry, or an electric personal assistive mobility device.**

**(b) "Motor vehicle", for purposes of IC 9-21, means:**

**(1) a vehicle except a motorized bicycle that is self-propelled;**

**or**

**(2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.**

**(c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.**

**(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.**

SECTION 3. IC 9-19-10.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

#### **Chapter 10.5. Inflatable Restraint Systems**

**Sec. 1. As used in this chapter, "inflatable restraint system" means an air bag that is activated in a crash.**

**Sec. 2. A person may not knowingly or intentionally install in a motor vehicle, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle.**

**Sec. 3. A person may not knowingly or intentionally:**

- (1) sell;
- (2) lease;
- (3) trade; or
- (4) transfer;

a motor vehicle in which is installed, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle to an Indiana resident.

Sec. 4. A person who violates section 2 of this chapter commits a Class A misdemeanor.

Sec. 5. A person who violates section 3 of this chapter commits a Class D felony.

SECTION 4. [EFFECTIVE JULY 1, 2003] IC 9-19-10.5-4 and IC 9-19-10.5-5, both as added by this act, apply only to acts committed after June 30, 2003.

(Reference is to HB 1731 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

RESKE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1748, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

RESKE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1757, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, after "Sec. 5." insert "(a)".

Page 2, line 22, delete "been certified as competent by" and insert "passed a certification examination offered by a nationally recognized certification body approved by the board."

Page 2, delete line 23, begin a new paragraph and insert:

"(b) For good cause, the board may waive the age requirement under subsection (a)(2)."

Page 2, delete lines 31 through 32.

Page 2, line 33, delete "(5)" and insert "(4)".

Page 2, line 35, delete "(6)" and insert "(5)".

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"(d) For good cause, the board may waive the age requirement in subsection (a)(2)."

Page 3, delete lines 26 through 32, begin a new line block indented and insert:

"(1) Providing advice or consultation with the prescribing practitioner or other licensed health care provider regarding the patient or the interpretation and application of information contained in the prescription or drug order, medical record, or patient profile.

(2) Providing advice or consultation with the patient regarding the interpretation of the prescription or the application of information contained in the patient profile or medical record.

(3) Dispensing prescription drug information to the patient.

(4) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including the appropriateness of the drug for the patient and the accuracy of the:

(A) drug dispensed;

(B) strength of the drug dispensed; and

(C) labeling of the prescription."

Page 3, between lines 36 and 37, begin a new line block indented

and insert:

"(6) Any activity required by law to be performed only by a pharmacist.

(7) Any activity that requires the clinical judgment of a pharmacist and is prohibited by a rule adopted by the board."

Page 4, delete lines 2 through 16.

Page 4, line 17, delete "11." and insert "10."

Page 4, line 40, delete "IC 25-26-19-5(6)," and insert "IC 25-26-19-5(a)(6)."

Page 5, line 2, delete "IC 25-26-19-5(6)," and insert "IC 25-26-19-5(a)(6)."

Page 5, line 3, delete "five (5)" and insert "two (2)".

(Reference is to HB 1757 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1774, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 14, delete "The minimum amount of financial responsibility" and insert "(a) This section applies to".

Page 2, delete line 15.

Page 2, line 16, delete "primarily operated by".

Page 2, line 16, after "conviction" insert "or judgment".

Page 2, line 17, delete "of operating while intoxicated".

Page 2, line 18, delete "a crime" and insert "an offense".

Page 2, line 20, delete "a crime" and insert "an offense".

Page 2, line 21, after "conviction" insert "or judgment".

Page 2, line 22, delete "a crime" and insert "an offense".

Page 2, line 23, delete ";" and insert ".

(b) The minimum amounts of financial responsibility that must be in effect for the applicable period specified in subsection (c) or (d) with respect to a motor vehicle owned or primarily operated by a person described in subsection (a) are as follows:

(1) Subject to the limit set forth in subdivision (2), fifty thousand dollars (\$50,000) for bodily injury to or the death of one (1) individual.

(2) Seventy-five thousand dollars (\$75,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.

(3) Ten thousand dollars (\$10,000) for damage to or the destruction of property in one (1) accident.

(c) Except as provided in subsection (d), the amounts of financial responsibility required under this section must be effective:

(1) beginning not more than ten (10) days; and

(2) ending not less than five (5) years;

after the date the person is sentenced for an offense or a judgment is entered against the person for an infraction described in subsection (a).

(d) If the person's operator's license is suspended, the amounts of financial responsibility required under this section must be effective:

(1) beginning on; and

(2) ending not less than five (5) years after;

the date the person's operator's license is reinstated."

Page 2, delete lines 24 through 26.

Page 2, line 39, delete "of operating while intoxicated" and insert "or judgment".

Page 3, after line 6, begin a new paragraph and insert:

"SECTION 5. IC 35-38-2-2.3, AS AMENDED BY P.L.76-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

- (1) Work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip the person for suitable employment.
- (2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.
- (3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.
- (4) Support the person's dependents and meet other family responsibilities.
- (5) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.
- (6) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.
- (7) Pay a fine authorized by IC 35-50.
- (8) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.
- (9) Report to a probation officer at reasonable times as directed by the court or the probation officer.
- (10) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.
- (11) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.
- (12) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.
- (13) Perform uncompensated work that benefits the community.
- (14) Satisfy other conditions reasonably related to the person's rehabilitation.
- (15) Undergo home detention under IC 35-38-2.5.
- (16) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:
  - (A) the person had been convicted of a sex crime listed in IC 35-38-1-7.1(e) and the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) as described in IC 35-38-1-7.1(b)(8); or
  - (B) the person had been convicted of an offense related to a controlled substance listed in IC 35-38-1-7.1(f) and the offense involved the conditions described in IC 35-38-1-7.1(b)(9)(A).
- (17) Refrain from any direct or indirect contact with an individual.
- (18) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-1-7-2).
- (19) Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.
- (20) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:
  - (A) may not exceed an amount the person can or will be able to pay;
  - (B) does not harm the person's ability to reasonably be self

supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(21) Refrain from owning, harboring, or training an animal.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one

(1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

(1) the term of imprisonment;

(2) the days or parts of days during which a person is to be confined; and

(3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection (a)(17):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

**(g) As a condition of probation, the court shall require a person who is convicted of an offense specified in IC 9-30-5-1 through IC 9-30-5-9 to comply with the financial responsibility requirements specified in IC 9-25-4-6.5."**

(Reference is to HB 1774 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

FRY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1811, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 19 through 42.

Page 3, delete line 1.

Page 3, delete lines 21 through 42.

Delete page 4.

Page 5, delete lines 1 through 5.

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 8. IC 6-5.5-1-18, AS AMENDED BY P.L.129-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. (a) "Unitary business" means business activities or operations that are of mutual benefit, dependent upon, or contributory to one another, individually or as a group, in transacting the business of a financial institution. The term may be applied within a single legal entity or between multiple entities and without regard to whether each entity is a corporation, a partnership,

a limited liability company, or a trust, provided that each member is either a holding company, a regulated financial corporation, a subsidiary of either, a corporation that conducts the business of a financial institution under ~~IC 6-5.5-1-17(d)(2)~~, **section 17(d)(2) of this chapter**, or any other entity, regardless of its form, that conducts activities that would constitute the business of a financial institution under ~~IC 6-5.5-1-17(d)(2)~~ **section 17(d)(2) of this chapter** if the activities were conducted by a corporation. The term "unitary group" includes those entities that are engaged in a unitary business transacted wholly or partially within Indiana. ~~However, the term does not include an entity that does not transact business in Indiana.~~

(b) Unity is presumed whenever there is unity of ownership, operation, and use evidenced by centralized management or executive force, centralized purchasing, advertising, accounting, or other controlled interaction among entities that are members of the unitary group, as described in subsection (a). However, the absence of these centralized activities does not necessarily evidence a nonunitary business.

(c) Unity of ownership, when a corporation is involved, does not exist unless that corporation is a member of a group of two (2) or more business entities and more than fifty percent (50%) of the voting stock of each member of the group is directly or indirectly owned by:

(1) a common owner or common owners, either corporate or noncorporate; or

(2) one (1) or more of the member corporations of the group.

SECTION 9. IC 6-5.5-4-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2003]: **Sec. 16. For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another taxing jurisdiction if:**

**(1) in that taxing jurisdiction the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or**

**(2) that taxing jurisdiction has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the taxing jurisdiction does or does not."**

Page 6, line 41, strike "6-8.1-10-1."

Page 10, delete lines 2 through 29, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE DECEMBER 31, 2003] **IC 6-5.5-1-18, as amended by this act, and IC 6-5.5-4-16, as added by this act, apply only to taxable years beginning after December 31, 2003."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1811 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 26, nays 0.

CRAWFORD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1836, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 3.

FRY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1933, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

LIGGETT, Chair

Report adopted.

The House recessed until the fall of the gavel.

## RECESS

The House reconvened at 4:30 p.m. with the Speaker in the Chair.

Representative Leonard was excused.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 137, 166, 280, 289, 308, and 355 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 15, 16, 18, 19, and 20 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

## REPORTS FROM COMMITTEES

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1356, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1417, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

SUMMERS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1510, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-35-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

#### **Chapter 6. Breastfeeding**

**Sec. 1. Notwithstanding any other law, a woman may breastfeed her child anywhere the woman has a right to be."**

Page 2, after line 22, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2003] **IC 35-45-4-1, as amended by this act, applies to offenses committed after June 30, 2003."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1510 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1625, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, strike "Common" and insert "**Consumer**".  
 Page 2, line 14, strike "Common" and insert "**Consumer**".  
 Page 3, line 6, strike "common" and insert "**consumer**".  
 Page 3, line 13, strike "common" and insert "**consumer**".  
 Page 3, line 26, strike "common" and insert "**consumer**".  
 Page 5, line 39, delete "common" and insert "**consumer**".  
 Page 6, line 4, strike "common" and insert "**consumer**".  
 Page 6, line 21, delete "common" and insert "**consumer**".  
 Page 7, line 4, delete "may" and insert "**shall**".  
 Page 7, line 16, delete "common" and insert "**consumer**".  
 Page 8, line 4, delete "common" and insert "**consumer**".  
 Page 8, line 30, delete "common" and insert "**consumer**".  
 Page 8, line 41, strike "Class B" and insert "**special**".  
 Page 8, line 42, strike "Class B" and insert "**special**".  
 Page 9, line 8, strike "common" and insert "**consumer**".  
 Page 9, line 10, strike "common" and insert "**consumer**".  
 Page 9, line 11, strike "an essential".  
 Page 9, line 13, delete "(A)".  
 Page 9, line 13, strike "is open at least six (6) months each year;" and insert "(B)".  
 Page 9, line 14, delete "(B)" and insert "(A)".  
 Page 9, line 14, delete "foundation,".  
 Page 9, line 15, delete "(C)" and insert "(B)".  
 Page 9, line 16, after "feet of" insert "**fireworks**".  
 Page 9, line 18, delete "(D)" and insert "(C)".  
 Page 9, line 19, after "feet of" insert "**fireworks**".  
 Page 9, line 21, delete "(E)" and insert "(D)".  
 Page 9, line 23, delete "2003;" and insert "**2003, unless the entire building is equipped with an automatic sprinkling system;**".  
 Page 9, line 24, delete "(F)" and insert "(E)".  
 Page 9, line 30, delete "(G)" and insert "(F)".  
 Page 9, line 32, after "of" insert "**fireworks selling**".  
 Page 9, line 35, delete "(H)" and insert "(G)".  
 Page 9, line 38, delete "(I)" and insert "(H)".  
 Page 9, line 41, delete "(J)" and insert "(I)".  
 Page 10, line 5, delete "(K)" and insert "(J)".  
 Page 10, delete lines 16 through 17.  
 Page 10, line 35, after "which" insert "**consumer**".  
 Page 10, line 35, delete "sale." and insert "**sale for use at a special discharge location.**".  
 Page 12, line 4, delete "(a)".  
 Page 12, delete lines 26 through 27.  
 Replace the effective date in SECTION 7 with "[EFFECTIVE JULY 1, 2004]".  
 (Reference is to HB 1625 as introduced.)  
 and when so amended that said bill do pass.  
 Committee Vote: yeas 11, nays 0.

LYTLE, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1660, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 8, delete "and".  
 Page 3, line 10, delete "12-10-3-2)." and insert "**12-10-3-2); and (7) a Class A felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2).**".  
 Page 3, line 25, after "(2)" insert "**knowingly**".  
 (Reference is to HB 1660 as introduced.)  
 and when so amended that said bill do pass.  
 Committee Vote: yeas 14, nays 0.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1661, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, after "(c)" insert "**If a party requests a copy of surveyor notes or a copy of the investigative report of results of a licensure inspection under subsection (b)(1), the state department shall provide a copy to the party not more than ninety (90) days after a request for a copy has been made.**".

(d)".

Page 2, line 6, delete "(d)" and insert "(e)".

Page 2, line 6, delete "(c)" and insert "(d)".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

**"(f) If the state department determines under subsection (d) that inadequacies exist in an initial investigation, the state department shall order a reinvestigation. The results of a reinvestigation must be mailed to the alleging party after the reinvestigation is complete."**

Page 2, line 11, after "facility" insert "**licensed under IC 16-28**".

Page 2, line 12, delete "as required under IC 16-39-1-3(c)" and insert "**within ten (10) working days of the request as required under IC 16-39-1-3**".

Page 2, line 13, delete "noncompliance under this chapter." and insert "**noncompliance. The commissioner shall impose a remedy for a noncompliance under section 4 of this chapter.**".

Page 2, after line 13, begin a new paragraph and insert:

**"SECTION 3. IC 16-39-1-3, AS AMENDED BY P.L.28-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Health records may be requested by a competent patient if the patient is:**

(1) emancipated and less than eighteen (18) years of age; or

(2) at least eighteen (18) years of age.

(b) If a patient is incompetent, the request for health records may be made by the parent, guardian, or custodian of the patient.

(c) Health records of a deceased patient may be requested by a coroner under IC 36-2-14-21 or by the personal representative of the patient's estate. If the deceased does not have a personal representative, the spouse of the deceased patient may make a request. If there is no spouse:

(1) a child of the deceased patient; or

(2) the parent, guardian, or custodian of the child if the child is incompetent;

may make a request.

**(d) A health facility licensed under IC 16-28 shall provide a complete copy of a health record requested under subsection (c) not more than ten (10) working days after a request for records has been received by the health facility."**

(Reference is to HB 1661 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1700, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

SUMMERS, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1785, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "population of more than three hundred thousand (300,000)" and insert **"reentry court program."**

Page 1, delete line 6.

Page 1, line 16, delete "court in a county having a population of more than three" and insert **"circuit or superior court"**.

Page 1, delete line 17.

Page 1, line 18, delete "thousand (400,000)".

Page 2, line 13, delete "population of more than three hundred thousand (300,000)" and insert **"reentry court program."**

Page 2, delete line 14.

Page 2, line 25, delete "the" and insert **"a"**.

Page 2, line 26, delete "ordered" and insert **"referred"**.

Page 2, line 27, after "for" insert **"not more than"**.

Page 2, line 27, delete "A court may extend the".

Page 2, delete line 28.

Page 2, line 29, delete "ordered" and insert **"referred"**.

Page 2, line 30, delete "up to twenty-four (24)" and insert **"not more than twelve (12)"**.

Page 2, line 37, after "(j)" insert **"A court shall immediately notify the local office of family and children upon the court's finding of probable cause that an individual has committed a felony offense during the period in which the individual is eligible for TANF or food stamps."**

**(k) A court shall immediately notify the local office of family and children when an individual has been terminated from a reentry court program during the period in which the individual is eligible for TANF or food stamps.**

**(l)**

(Reference is to HB 1785 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

SUMMERS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1850, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 5 and 6, begin a new paragraph and insert:

**"(c) The judge of the juvenile court in which the petition is filed shall inform each parent, guardian, or custodian of the child that the parent, guardian, or custodian may be ordered to participate in any aspect of the child's treatment."**

Page 3, line 16, after "psychiatrist" insert **"(as defined in IC 11-10-3-1)"**.

Page 3, between lines 16 and 17, begin a new line block indented and insert:

**"(2) a physician (as defined in IC 12-15-35-12);"**

Page 3, line 17, delete "(2)" and insert **"(3)"**.

Page 3, line 19, delete "(3)" and insert **"(4)"**.

Page 4, between lines 20 and 21, begin a new paragraph and insert:

**"Sec. 8. The juvenile court may order each parent, guardian, or custodian of the child to participate in any aspect of the child's treatment under section 6 or 7 of this chapter."**

Page 4, line 21, delete "8." and insert **"9."**

Page 4, line 26, delete "9." and insert **"10."**

Page 4, line 26, delete "may be" and insert **"is"**.

Page 4, line 27, delete "contribute towards the payment of" and insert **"pay"**.

Page 4, line 28, delete "treatment if the court determines the" and insert **"treatment."**

Page 4, delete lines 29 through 34.

(Reference is to HB 1850 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

SUMMERS, Chair

Report adopted.

## HOUSE BILLS ON SECOND READING

### HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1218 be returned to the second reading calendar for the purpose of amendment.

GRUBB

Motion prevailed.

### House Bill 1019

Representative Frenz called down House Bill 1019 for second reading. The bill was read a second time by title.

### HOUSE MOTION

(Amendment 1019-1)

Mr. Speaker: I move that House Bill 1019 be amended to read as follows:

Page 1, line 7, delete "caused by an inherited abnormality of body chemistry." and insert ":

**(1) caused by inborn errors of amino acid, organic acid, or urea cycle metabolism; and**

**(2) treatable by the dietary restriction of one (1) or more amino acids."**

Page 1, delete lines 8 through 13.

Page 1, line 14, delete "(d)" and insert **"(c)"**.

Page 1, line 14, delete "a food" and insert **"a formula"**.

Page 2, line 3, delete "(e)" and insert **"(d)"**.

Page 2, line 10, delete "(f)" and insert **"(e)"**.

Page 2, line 11, delete "and low protein modified food products".

Page 2, line 11, delete "are" and insert **"is"**.

Page 2, line 14, delete "(g)" and insert **"(f)"**.

Page 2, line 31, delete "caused by an inherited abnormality of body" and insert ":

**(1) caused by inborn errors of amino acid, organic acid, or urea cycle metabolism; and**

**(2) treatable by the dietary restriction of one (1) or more amino acids."**

Page 2, delete lines 32 through 38.

Page 2, line 39, delete "5." and insert **"4."**

Page 2, line 39, delete "a food" and insert **"a formula"**.

Page 3, line 4, delete "6." and insert **"5."**

Page 3, line 5, delete "and low protein modified food products".

Page 3, line 6, delete "are" and insert **"is"**.

Page 3, line 8, delete "7." and insert **"6."**

Page 3, line 8, delete "section 4 of".

Page 3, line 17, delete "caused by an inherited abnormality of" and insert ":

**(1) caused by inborn errors of amino acid, organic acid, or urea cycle metabolism; and**

**(2) treatable by the dietary restriction of one (1) or more amino acids."**

Page 3, delete lines 18 through 24.

Page 3, line 25, delete "(c)" and insert **"(b)"**.

Page 3, line 25, delete "a food" and insert **"a formula"**.

Page 3, line 31, delete "(d)" and insert **"(c)"**.

Page 3, line 33, delete "and low protein modified food products".

Page 3, line 34, delete "are" and insert **"is"**.

Page 3, line 36, delete "(e)" and insert **"(d)"**.

(Reference is to HB 1019 as printed January 28, 2003.)

FRENZ

Motion prevailed. The bill was ordered engrossed.

### House Bill 1021

Representative V. Smith called down House Bill 1021 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1102

Representative Koch called down House Bill 1102 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1154**

Representative Hasler called down House Bill 1154 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1222**

Representative Bottorff called down House Bill 1222 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1260**

Representative Avery called down House Bill 1260 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1260-1)

Mr. Speaker: I move that House Bill 1260 be amended to read as follows:

Page 2, after line 33, begin a new paragraph and insert:

**"(d) If a court under this section orders supervision of an offender who resides in a county that is contiguous to the county of the sentencing court by the probation department or community corrections program in the county of the sentencing court, the supervising probation department or community corrections program is solely responsible for the expenses of supervision."**

(Reference is to HB 1260 as printed February 7, 2003.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

**House Bill 1324**

Representative Goodin called down House Bill 1324 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1331**

Representative T. Adams called down House Bill 1331 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1335**

Representative T. Adams called down House Bill 1335 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1345**

Representative Kromkowski called down House Bill 1345 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1402**

Representative V. Smith called down House Bill 1402 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1402-1)

Mr. Speaker: I move that House Bill 1402 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 35-33-8-3.2, AS AMENDED BY P.L.1-2001, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.2. (a) A court may admit a defendant to bail and impose any of the following conditions to assure the defendant's appearance at any stage of the legal proceedings, or, upon a showing of clear and convincing evidence that the defendant poses a risk of physical danger to another person or the community, to assure the public's physical safety:**

**(1) Require the defendant to:**

**(A) execute a bail bond with sufficient solvent sureties;**

**(B) deposit cash or securities in an amount equal to the bail;**

**(C) execute a bond secured by real estate in the county, where thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail;**  
**(D) post a real estate bond.**

**(2) Require the defendant to execute a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail. If the defendant is convicted, the court may retain all or a part of the cash or securities to pay fines, costs, fees, and restitution, if ordered by the court. A portion of the deposit, not to exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee. The clerk shall also retain from the deposit under this subdivision the following:**

**(A) Fines, costs, fees, and restitution as ordered by the court.**

**(B) Publicly paid costs of representation that shall be disposed of in accordance with subsection (b).**

**(C) In the event of the posting of a real estate bond, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution.**

**The individual posting bail for the defendant or the defendant admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited under section 7 of this chapter or retained under subsection (b). The defendant admitted to bail or an individual posting bail for the defendant may use a credit card, debit card, charge card, or similar method to make a cash deposit under this subdivision.**

**(3) Impose reasonable restrictions on the activities, movements, associations, and residence of the defendant during the period of release.**

**(4) Require the defendant to refrain from any direct or indirect contact with an individual.**

**(5) Place the defendant under the reasonable supervision of a probation officer or other appropriate public official.**

**(6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.**

**(7) Release the defendant on personal recognizance unless:**

**(A) the state presents evidence relevant to a risk by the defendant:**

**(i) of nonappearance; or**

**(ii) to the physical safety of the public; and**

**(B) the court finds by a preponderance of the evidence that the risk exists.**

**(8) Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community.**

**(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-9-11.5.**

**(c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed, or the defendant is acquitted or convicted of the charges.**

**(d) With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day.**

**(e) When a court imposes a condition of bail described in subsection (a)(4):**

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk."

Renumber all SECTIONS consecutively.

(Reference is to HB 1402 as printed February 7, 2003.)

KUZMAN

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1545

Representative Fry called down House Bill 1545 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1561

Representative Herrell called down House Bill 1561 for second reading. The bill was reread a second time by title.

#### HOUSE MOTION (Amendment 1561-1)

Mr. Speaker: I move that House Bill 1561 be amended to read as follows:

Page 2, delete lines 34 through 42.

Delete page 3.

(Reference is to HB 1561 as printed January 31, 2003.)

KUZMAN

Motion prevailed. The bill was ordered engrossed.

#### House Bill 1619

Representative L. Lawson called down House Bill 1619 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### House Bill 1627

Representative Mahern called down House Bill 1627 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 1627-19)

Mr. Speaker: I move that House Bill 1627 be amended to read as follows:

Page 3, line 3, delete "basis" and insert "**basis**,"

Page 3, line 35, delete "following entities" and insert "**commission**".

Page 3, line 37, delete ":" and insert ".".

Page 3, delete lines 38 through 40.

(Reference is to HB 1627 as printed February 4, 2003.)

MAHERN

Motion prevailed.

#### HOUSE MOTION (Amendment 1627-15)

Mr. Speaker: I move that House Bill 1627 be amended to read as follows:

Page 3, between lines 1 and 2, begin a new line blocked left and insert:

**"When determining rates and charges under this subsection, the commission may consider any other factors consistent with federal law the commission considers appropriate in making a determination."**

Page 3, line 5, delete "August 1, 2003." and insert "**January 1, 2004.**".

(Reference is to HB 1627 as printed February 4, 2003.)

MURPHY

Motion prevailed.

#### HOUSE MOTION (Amendment 1627-7)

Mr. Speaker: I move that House Bill 1627 be amended to read as follows:

Page 5, between lines 3 and 4, begin a new paragraph and insert the following:

"SECTION 4. IC 8-1-2.6-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) As used in this section, "telecommunications statute" refers to any of the following:**

**(1) Section 9 of this chapter.**

**(2) Section 10 of this chapter.**

**(3) Section 11 of this chapter.**

**(b) Notwithstanding the telecommunications statutes, the commission's authority as in effect March 1, 2003, with respect to an incumbent local exchange telecommunications service provider regarding any telecommunications matter covered by the telecommunications statutes remains in effect until the incumbent local exchange telecommunications service provider certifies to the commission and the commission finds that:**

**(1) the incumbent local exchange telecommunications service provider has increased its Indiana workforce by not less than five percent (5%) over its workforce level on March 1, 2003; and**

**(2) not less than eighty percent (80%) of the increased workforce described in subdivision (1) are union members."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1627 as printed February 4, 2003.)

CROOKS

Upon request of Representatives Crooks and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 61: yeas 16, nays 79. Motion failed.

#### HOUSE MOTION (Amendment 1627-16)

Mr. Speaker: I move that House Bill 1627 be amended to read as follows:

Page 3, line 41, delete "An" and insert "**This section does not relieve an**".

Page 3, line 42, delete "shall" and insert "**from the requirements to**".

Page 4, line 3, after "provider" insert ":

**(1) regardless of the technology or medium used to provide such services; and**

**(2)".**

(Reference is to HB 1627 as printed February 4, 2003.)

MURPHY

Motion prevailed.

#### HOUSE MOTION (Amendment 1627-21)

Mr. Speaker: I move that House Bill 1627 be amended to read as follows:

Page 1, line 3, delete "**As used in this section, "standard**".

Page 1, delete lines 4 through 6.

Page 1, line 7, delete "**(b)**".

Page 1, run in lines 3 through 7.

Page 1, delete lines 10 through 17.

Page 2, delete lines 1 through 3.

Page 2, line 4, delete "**(e)**" and insert "**(b)**".

Page 2, line 6, delete "**do**" and insert "**consider no less than**".

Page 2, line 15, delete "**generally accepted**" and insert "**appropriate**".

Page 3, line 2, delete "**use established costs and rates on a**" and insert "**complete the evaluation under subsection (c) no later than June 30, 2004. If price increases would occur the commission shall issue an order immediately and not later than June 30, 2004. The commission shall allow costs plus a reasonable rate of return as determined by the commission**".

Page 3, delete lines 3 through 42.

Delete page 4.

Page 5, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1627 as printed February 4, 2003.)

BEHNING

Motion failed. The bill was ordered engrossed.

**House Bill 1692**

Representative Ripley called down House Bill 1692 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1692-1)

Mr. Speaker: I move that House Bill 1692 be amended to read as follows:

Page 9, line 26, delete "one (1) of the following:" and insert "a".

Page 9, line 27, delete "(1) A".

Page 9, run in lines 26 through 27.

Page 9, delete line 28.

Page 9, line 37, delete "company," and insert "**company described in subsection (a),**".

(Reference is to HB 1692 as printed February 4, 2003.)

RIPLEY

Motion prevailed. The bill was ordered engrossed.

**House Bill 1702**

Representative C. Brown called down House Bill 1702 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1702-1)

Mr. Speaker: I move that House Bill 1702 be amended to read as follows:

Page 2, after line 13, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE JULY 1, 2003] **(a) Notwithstanding IC 20-8.1-7-9.5, as amended by this act, a child residing in Indiana is not required to be immunized for chicken pox to enter kindergarten or grade 1 until after June 30, 2004.**

**(b) This SECTION expires July 1, 2004.**"

(Reference is to HB 1702 as printed February 4, 2003.)

C. BROWN

Motion prevailed. The bill was ordered engrossed.

**House Bill 1704**

Representative C. Brown called down House Bill 1704 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1724**

Representative Welch called down House Bill 1724 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**House Bill 1792**

Representative Hasler called down House Bill 1792 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1792-1)

Mr. Speaker: I move that House Bill 1792 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. P.L.142-2001, SECTION 3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001 (RETROACTIVE)]: SECTION 3. (a) As used in this SECTION, "eligible individual" means an individual who:

(1) is a resident of a hospice;

(2) is receiving a routine home care level of care (as described in 42 CFR 418.302(b)); and

(3) is eligible for Medicaid.

(b) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(c) As used in this SECTION, "room and board" means any inpatient services provided by a hospice in compliance with 42 CFR 418.100 et seq.

(d) As used in this SECTION, "waiver" refers to a demonstration waiver for reimbursement of hospice room and board.

(e) Before January 1, 2002, the office shall apply to the United

States Department of Health and Human Services for approval of the necessary demonstration waiver under Section 1115 of the federal Social Security Act (42 U.S.C. 1315) to provide a per diem amount for room and board for an eligible individual under the Medicaid hospice program in an amount equal to ninety-five percent (95%) of the average case mix per diem rate for Medicaid payments in effect for health facilities licensed under IC 16-28 as of July 1 of each year.

(f) If a provision of this SECTION differs from the requirements of a waiver, the office shall submit the waiver request in a manner that complies with the requirements of the waiver. However, if the waiver is approved, the office shall apply within one hundred twenty (120) days after the waiver is approved for an amendment to the waiver that contains the provisions under this SECTION that were not included in the approved waiver.

(g) The office shall notify the governor and the general assembly in writing regarding the determination of the United States Department of Health and Human Services concerning the waiver not later than five (5) days after the office is notified of the determination.

~~(h) The office may not implement the waiver unless the general assembly:~~

~~(1) approves the implementation of the waiver; and~~

~~(2) appropriates funds for implementation;~~

~~(i) (h) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.~~

~~(j) (i) This SECTION expires January 1, 2008."~~

Page 1, after line 16, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1792 as printed February 4, 2003.)

HASLER

Motion prevailed. The bill was ordered engrossed.

Representatives Leonard and Porter, who had been excused, were present.

**ENGROSSED HOUSE BILLS ON THIRD READING****Engrossed House Bill 1049**

Representative Frenz called down Engrossed House Bill 1049 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 62: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman, Hume, and Breaux.

**Engrossed House Bill 1104**

Representative Bottorff called down Engrossed House Bill 1104 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 63: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Lewis.

Representative Orentlicher was excused for the rest of the day.

**Engrossed House Bill 1148**

Representative Lytle called down Engrossed House Bill 1148 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 64: yeas 92, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

#### **Engrossed House Bill 1149**

Representative Lytle called down Engrossed House Bill 1149 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 90, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor to be named.

#### **Engrossed House Bill 1282**

Representative Harris called down Engrossed House Bill 1282 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 80, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and S. Smith.

#### **Engrossed House Bill 1407**

Representative Ripley called down Engrossed House Bill 1407 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

#### **Engrossed House Bill 1423**

Representative Murphy called down Engrossed House Bill 1423 for third reading:

A BILL FOR AN ACT concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, Simpson, and Skinner.

#### **Engrossed House Bill 1424**

Representative Pflum called down Engrossed House Bill 1424 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 65, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Altting.

#### **Engrossed House Bill 1640**

Representative Hasler called down Engrossed House Bill 1640 for third reading:

A BILL FOR AN ACT concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and Broden.

#### **Engrossed House Bill 1695**

Representative Crawford called down Engrossed House Bill 1695 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 71: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Breaux.

#### **Engrossed House Bill 1730**

Representative Aguilera called down Engrossed House Bill 1730 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 72: yeas 88, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Mrvan.

#### **Engrossed House Bill 1741**

Representative Scholer called down Engrossed House Bill 1741 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Altting and Hershman.

### **OTHER BUSINESS ON THE SPEAKER'S TABLE**

#### **Referrals to Ways and Means**

The Speaker announced, pursuant to House Rule 127, that House Bills 1130, 1140, 1244, 1336, 1664, 1681, 1707, 1757, and 1836 had been referred to the Committee on Ways and Means.

## PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1216, Roll Call 47, on February 4, 2003. In support of this petition, I submit the following reason:

“I was present, but unable to vote before the machine had closed. I intended to vote yea.”

BARDON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 47 to 97 yeas, 0 nays.*]

## HOUSE MOTION

Mr. Speaker: I move that Representative D. Young be added as coauthor of House Bill 1104.

BOTTORFF

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Liggett be added as coauthor of House Bill 1304.

KRUSE

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Day be added as coauthor of House Bill 1379.

BISCHOFF

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Oxley be removed as author of House Bill 1421, Representative Chowning be removed as coauthor, Representative Chowning be substituted as author, and Representative Oxley be added as coauthor.

OXLEY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Stevenson and Wolkins be added as coauthors of House Bill 1439.

BOTTORFF

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1474.

KERSEY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Orentlicher and Duncan be added as coauthors of House Bill 1510.

WELCH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives Lytle and Koch be added as coauthors of House Bill 1511.

WELCH

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives C. Brown, Becker, and

Orentlicher be added as coauthors of House Bill 1640.

HASLER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Heim be added as coauthor of House Bill 1657.

WOLKINS

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1671.

CHERRY

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives L. Lawson and Torr be added as coauthors of House Bill 1681.

D. YOUNG

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representatives C. Brown, Becker, and Orentlicher be added as coauthors of House Bill 1792.

HASLER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as coauthor of House Bill 1826.

LEONARD

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Weinzapfel be added as coauthor of House Bill 1850.

BECKER

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1885.

STUTZMAN

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Kruse be added as coauthor of House Bill 1921.

T. ADAMS

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1944.

THOMPSON

Motion prevailed.

## HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as coauthor of House Bill 1946.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be added as coauthor of House Bill 1968.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Joint Resolution 6.

KRUSE

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Austin, the House adjourned at 6:25 p.m., this tenth day of February, 2003, until Tuesday, February 11, 2003, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives